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DOCKET NO. 53018

PETITION OF MICHAEL D. DRY TO	§	PUBLIC UTILITY COMMISSION
AMEND MONARCH UTILITIES I LP'S	§	
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY IN TARRANT	§	
COUNTY BY STREAMLINED	§	
EXPEDITED RELEASE	§	

COMMISSION STAFF'S RESPONSE TO PETITIONER'S APPEAL OF INTERIM ORDER NO. 3

On December 22, 2021, Michael D. Dry (Mr. Dry) filed a petition for streamlined expedited release from Monarch Utilities I LP's (Monarch) water Certificate of Convenience and Necessity (CCN) No. 12983 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Mr. Dry asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Tarrant County, which is a qualifying county. On March 25, 2022, the Staff (Staff) of the Public Utility Commission of Texas (Commission) filed a request for certification of an issue in relation to Mr. Dry's arguments that the tracts of land in this docket are under common ownership and alternative request for a good cause exception based on the circumstances of Mr. Dry's relationship and control of each tract. On April 4, 2022, the administrative law judge (ALJ) filed Order No. 3, denying the good cause exception and declining to certify the issue. On April 8, 2022, Mr. Dry filed an appeal of Order No. 3.

On April 11, 2022, the ALJ filed Order No. 4, establishing a deadline of April 15, 2022 for Staff or any other party to file a response to the appeal. Therefore, this pleading is timely filed.

I. RESPONSE TO APPEAL

Staff has reviewed the appeal and, in line with Staff's previous request for the good cause exception to be certified as an issue, supports Mr. Dry's appeal of Order No. 3 to the extent it declined to certify this issue.

II. CONCLUSION

For the reasons detailed above, Staff supports Mr. Dry's appeal and re-urges its request for certification.

Dated: April 14, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record on April 14, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles