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Received - 2022-01-24 12:40:50 PM

Control Number - 53018

ItemNumber - 3

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 RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND NOTICE**

On December 22, 2021, Michael D. Dry (Mr. Dry) filed a petition for streamlined expedited release from Monarch Utilities I LP's (Monarch) 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 tract of land is at least 25 contiguous acres, is not receiving water service, and is located in Tarrant County, Texas, which is a qualifying county.¹ According to the 2010 Census,² Tarrant County has a population of 1,809,034.³

On December 29, 2021, the Administrative Law Judge (ALJ) filed Order No. 1, establishing a deadline of January 24, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments regarding the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and, as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that the petition is administratively incomplete. Staff further recommends that Mr. Dry be ordered to cure the deficiencies identified in Ms. Garcia's memorandum by February 23, 2022 and that Staff be given a deadline of March 25, 2022 to file a supplemental recommendation on the administrative completeness of the petition. Staff

¹ TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).

² See Tex. Gov't Code § 2058.0021 for applicability of 2010 Census in determination whether the land is in a qualifying county.

³ U.S. Census Bureau, Census Data for Tarrant County, QuickFacts Tarrant County, Texas (2010) <https://www.census.gov/quickfacts/fact/table/tarrantcountytexas/POP010210> (last accessed Jan. 21, 2022).

respectfully requests adoption of these proposed deadlines as some of the noted deficiencies are related to mapping information and Staff's mapping experts may be required to assist Mr. Dry regarding the supplemental mapping information needed to cure the mapping deficiencies and will require at least thirty days to review same.

Additionally, in relation to the deficiencies in the content of the petition, Staff recommends that Mr. Dry consider the two alternatives recommended. Specifically, if Mr. Dry intends to proceed with his request under a single petition, he will need to show that each of the parcels included in the tract of land are under common ownership, pursuant to 16 TAC § 24.3(38). Otherwise, Staff recommends that each parcel be requested in a separate petition.

II. PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of the docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation that the petition be found administratively complete.

III. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively incomplete, that Mr. Dry be ordered to file supplemental information to cure the deficiencies in the petition by February 23, 2022, and that Staff be given a deadline of March 25, 2022 to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: January 24, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Scott Miles
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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 January 24, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles

Public Utility Commission of Texas

Memorandum

TO: Scott Miles, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: January 24, 2022

RE: Docket No. 53018 – *Petition of Michael D. Dry to Amend Monarch Utilities I LP's Certificate of Convenience and Necessity in Tarrant County by Streamlined Expedited Release*

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 in Tarrant County, under Texas Water Code (TWC) § 13.2541(b) 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, Texas, which is a qualifying county.

Based on the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review of the information provided by Mr. Dry, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

Petition Content:

Under 16 TAC § 24.3(38), a tract of land may be comprised of multiple parcels acquired through multiple deeds. However, it must have common ownership. In the affidavit, attached as Exhibit 1 to the petition, Mr. Dry states he has four parcels of land owned “either individually or as the principal owner of business entities (Dry Ranch LLC; Dry & Busby, LLC; and DRY APR, LLC) that hold title to the parcels.” In review of the attached deeds for each parcel, the only parcel under Mr. Dry’s individual ownership is parcel two, while the other three parcels are all owned by different entities. Because each parcel has a different owner, each parcel will need to be requested in a separate petition for streamlined expedited release. I recommend, for purposes of this docket, that Mr. Dry file an amended petition to request streamlined expedited release for parcel two, including a revised affidavit and mapping documents. For the remaining parcels, I recommend that each business entity file its own petition to request streamlined expedited release for the particular parcel which it owns, including a revised affidavit and mapping documents.

Alternatively, to proceed under a single petition, Mr. Dry has the option to transfer each of the parcels into the ownership of himself individually or one of his business entities.

Mapping Content:

The maps and digital mapping data submitted with Item 1 on December 22, 2021 are deficient.

Mr. Dry must submit the following item to resolve the mapping deficiencies:

- A general location map identifying the tract of land, in reference to the nearest county boundary, city, or town.
- A detailed map identifying the tract of land, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Digital mapping data for the tract of land as a single polygon record, in a shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet).

Staff recommends the Petitioner obtain additional mapping guidance from the PUC's mapping staff, Tracy Montes by email at tracy.montes@puc.texas.gov to resolve the mapping deficiencies.

Staff will need at least 30 days to review the documentation, maps, and digital data provided by Mr. Dry and draft a recommendation.