



## Filing Receipt

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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 §**

**ORDER NO. 3  
DENYING REQUEST FOR GOOD CAUSE EXCEPTION, DECLINING TO CERTIFY  
ISSUE, FINDING PETITION REMAINS ADMINISTRATIVELY INCOMPLETE, AND  
PROVIDING OPPORTUNITY TO CURE**

This Order addresses the December 22, 2021 petition by Michael D. Dry to amend Monarch Utilities I, LP's water certificate of convenience and necessity in Tarrant County by streamlined expedited release.

**I. Request for Good Cause Exception and Certification of an Issue**

Mr. Dry seeks streamlined expedited release of an approximately 661-acre tract of land comprised of the following parcels: (1) a parcel owned by Dry Ranch LLC; (2) a parcel owned by Mr. Dry; (3) a parcel owned by Dry and Busby LLC; and (4) a parcel owned by Dry APR LLC. On February 23, 2022, Mr. Dry filed a supplement to the petition. In the supplement, Mr. Dry argued that the four parcels of land comprising the tract of land are under the exclusive ownership, possession, management, or control of Mr. Dry because Mr. Dry either owns the parcels individually or serves as the sole manager or trustee of the entities that do. Accordingly, the parcels are under "common ownership," as that term is used in 16 Texas Administrative Code § 24.3(38), and, therefore, Mr. Dry should be granted a good cause exception to petition for streamlined expedited release of the tract of land.

On March 25, 2022, Commission Staff filed its recommendation on the administrative completeness of the petition and recommended that the parcels are not under common ownership. However, Commission Staff additionally recommended that the administrative law judge (ALJ) certify Mr. Dry's good cause request to the Commission.

The ALJ denies Mr. Dry's request for a good cause exception and declines to certify the issue to the Commission because it is unnecessary to do so. Under Texas Water Code § 13.2541(b), a petition for streamlined expedited release must be brought by the owner of the land in question. Accordingly, Mr. Dry lacks the right to pursue release for land owned by someone

else. Moreover, in a single streamlined expedited release case, release cannot be sought for multiple tracks held by different owners. If Mr. Dry is indeed the sole manager or trustee of the entities that own the parcels comprising the tract of land, he is free to file separate petitions for streamlined expedited release of the parcels that are not owned by him as the authorized representative of the entities.<sup>1</sup>

## II. Administrative Completeness and Opportunity to Cure

Based on the foregoing and on the March 25, 2022 memorandum of Patricia Garcia attached to Commission Staff's recommendation, the ALJ finds the petition remains administratively incomplete.


The following procedural schedule applies for continued processing:

Event	Date
Deadline for petitioner to file information to cure the deficiencies of the petition	April 22, 2022
Deadline for Commission Staff to file a supplemental recommendation on administrative completeness of the petition and sufficiency of notice and propose procedural schedule	May 23, 2022

A deadline for Monarch to file a response to the petition will be established in a subsequent order.<sup>2</sup> Additional deadlines will be established if the petition is deemed administratively complete.

**Signed at Austin, Texas the 4th day of April 2022.**

**PUBLIC UTILITY COMMISSION OF TEXAS**




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**ISAAC TA  
ADMINISTRATIVE LAW JUDGE**

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<sup>1</sup> See 16 Texas Administrative Code (TAC) § 22.101.

<sup>2</sup> Under 16 TAC § 24.245(h)(6), Monarch Utilities I LP's deadline to respond will not exceed 20 days from the date the petition is determined to be administratively complete.