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APPLICATION OF MONARCH	§	PUBLIC UTILITY COMMISSION
UTILITIES I L.P. FOR A NAME	§	
CHANGE AND A MINOR TARIFF	§	
CHANGE	§	OF TEXAS

JOINT RESPONSE TO ORDER NO. 5

Staff of the Public Utility Commission of Texas (Commission Staff) and Monarch Utilities I L.P. (Monarch) (collectively, the Parties) file this Response to Order No. 5 Requiring Clarification dated August 8, 2022 (Order). In response, the Parties would show the following:

I. BACKGROUND

Order No. 5 required the Parties to file clarification on the statutes and Commission rules governing a CCN name change, the statutes and Commission rules governing changes to a utility's application for service, and the proper processing of Monarch's application in light of Patricia Garcia's July 29, 2022 memorandum, by no later than August 26, 2022. This pleading is therefore timely filed.

II. RESPONSE TO ORDER NO. 5**A. Statutes and Commission Rules Governing a CCN Name Change**

The appropriate statutes and rules governing a name change application are Texas Water Code (TWC) §§ 13.041(a) and 13.241, as demonstrated by Commission orders approving previous name change applications.

Previous Commission orders approving name change applications contain a finding of fact that states "The Commission has jurisdiction over this request under Texas Water Code (TWC) §§ 13.041(a) and 13.241."¹

¹ See *Liberty Utilities (Silverleaf Water) LLC's (Formerly Algonquin Water Resources of Texas, LLC) Request for Certificates of Convenience and Necessity Name Change*, Docket No. 49075 (Mar. 7, 2019); *Cross*

TWC § 13.041(a) involves the Commission's general jurisdiction over water and sewer utilities and states the following:

The utility commission may regulate and supervise the business of each water and sewer utility within its jurisdiction, including ratemaking and other economic regulation. The commission may regulate water and sewer utilities within its jurisdiction to ensure safe drinking water and environmental protection. The utility commission and the commission may do all things, whether specifically designated in this chapter or implied in this chapter, necessary and convenient to the exercise of these powers and jurisdiction. The utility commission may consult with the commission as necessary in carrying out its duties related to the regulation of water and sewer utilities.

TWC § 13.241 involves the authority of the Commission to determine whether to grant or amend a certificate of public convenience and necessity and ensures that the applicant possess the financial, managerial, and technical capability to provide continuous and adequate service.

Additionally, Commission Staff has previously opined on the applicable laws governing name change applications in Docket No. 48128, and stated the following:

Commission Staff determined that review of the request under the Commission's general authority in Texas Water Code § 13.041(a) and through a streamlined review similar to that used for telecommunications entities under 16 TAC § 26.101(d) and (e) is appropriate, until a rule specific to water and sewer utilities is adopted.

The Parties note that TWC § 13.241 is similar to 16 Texas Administrative Code (TAC) § 24.227(a). However, while 16 TAC § 24.227 governs CCN amendment applications, many subsections do not apply to a name change application since there is no request or change in service area. Also, the Parties have not identified any Commission order finding 16 TAC § 24.227 governs name change applications. That approval of a name change request merely recognizes a utility's name change by amending the CCN numbers to reflect the company's new name is consistent with

Timbers Water Supply Corporation's (Formerly Bartonville Water Supply Corporation) Request for a Certificate of Convenience and Necessity Name Change, Docket No. 48128 (Jun. 14, 2018); Application of CS Water Corporation (Formerly Known as Cedar Shores Water Corporation) for a Certificate of Convenience and Necessity Name Change, Docket No. 48545 (Jan. 23, 2019).

Commission precedent.² There are no specific notice requirements for CCN name change applications, but notice has been provided in several previous name change applications under 16 TAC § 22.55,³ which states, "the presiding officer may require a party to provide reasonable notice to affected persons." In light of multiple Monarch dockets currently pending, Commission Staff recommends that the final order approving name change should be filed in the remaining Monarch dockets to serve as reasonable notice.

B. Statutes and Commission Rules Governing Changes to a Utility's Application for Service

There are no specific statutes or rules governing changes to a utility's application for service as it is not specifically part of an approved tariff under 16 TAC § 24.25(a). Specifically, 16 TAC § 24.25(a) states that "a utility may not directly or indirectly demand, charge, or collect any rate or change, or impose any classifications, practices, rules, or regulations different from those prescribed in its approved tariff filed with the Commission"

C. The Proper Processing of Monarch's Application in Light of Patricia Garcia's July 29, 2022 Memorandum

Based on the response to Section B and in light of the memorandum filed by Patricia Garcia of Commission Staff, the Parties propose that the Commission approve only the name change portion of the application.

² *Estes Water Supply, LLC DBA Big Creek West Water Supply (Formerly Megan Estes DBA Cedar Creek Water Supply) Request for Certificate of Convenience and Necessity Name Change*, Docket No. 51653, Order No. 3 Withdrawing Administrative Completeness Determination and Requiring Briefing from the Parties (Feb. 8, 2021).

³ See Docket No. 49075, Notice of Approval (Mar. 7, 2019); Docket No. 48128, Final Order (Jun. 14, 2018); Docket No. 48545, Notice of Approval (Jan. 23, 2019).

III. CONCLUSION

The Parties respectfully request that the Commission ALJ issues an order approving only the name change portion of the application. Additionally, Monarch requests any further relief to which it has shown itself entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that notice of the filing of this document was provided to all parties of record via electronic mail on August 25, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ William A. Faulk, III

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