



Filing Receipt

Received - 2022-10-21 03:13:36 PM

Control Number - 53920

ItemNumber - 11

DOCKET NO. 53920

APPLICATION OF MONARCH § PUBLIC UTILITY COMMISSION
UTILITIES I LP AND CREEK WATER §
UTILITY LLC FOR SALE, TRANSFER, §
OR MERGER OF FACILITIES AND § OF TEXAS
CERTIFICATE RIGHTS MARION §
COUNTY §

**COMMISSION STAFF’S RECOMMENDATION ON NOTICE AND
PROPOSED PROCEDURAL SCHEDULE**

On August 1, 2022, Monarch Utilities I L.P. (Monarch) and the Creek Water Utility, LLC (Creek Water) (collectively Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Marion County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

On October 7, 2022, the administrative law judge filed Order No. 4, establishing a deadline of October 21, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a proposed procedural schedule and a recommendation as to notice. Therefore, this pleading is timely filed.

I. RECOMMENDATION ON NOTICE

At this time, Staff recommends that the Applicants proceed with providing public notice to all current customers, neighboring utilities, political subdivisions, and other persons listed in the attached memorandum using the notice form provided by Patricia Garcia of the Infrastructure Division. Along with each individual notice, Staff recommends that the Applicants provide an accurate map delineating the requested service area.

Once notice has been provided, Staff recommends that the Applicants file proof of notice as described in the attached memorandum, including an affidavit specifying the name and address of every person and entity to whom notice was provided, the date that the notice was provided, and a copy of the map provided with the notice. Finally, Staff recommends that the Applicants use the attached notice and affidavit to meet these requirements

II. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for Applicants to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties	November 21, 2022
Deadline for Staff to file a recommendation on sufficiency of notice	December 21, 2022
Deadline to intervene	30 days after notice is issued

III. CONCLUSION

For the reasons detailed above, Staff recommends that the Applicants be directed to provide notice as described in the attached memorandum and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: October 21, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

John Harrison
Managing Attorney

/s/ Ian Groetsch
Ian Groetsch
State Bar No. 24078599
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7265
(512) 936-7268 (facsimile)
Ian.Groetsch@puc.texas.gov

DOCKET NO. 53920

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 via electronic mail on October 21, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Ian Groetsch
Ian Groetsch

Public Utility Commission of Texas

Memorandum

TO: Ian Groetsch, Attorney
Legal Division

FROM: Patricia Garcia, Infrastructure Analysis Section Director
Infrastructure Division

DATE: October 21, 2022

RE: Docket No. 53920 – *Application of Monarch Utilities I LP and Creek Water Utility, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Marion County*

On August 1, 2022, Monarch Utilities I L.P. (Monarch) and the Creek Water Utility, LLC (Creek Water) (collectively Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Marion County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Monarch has an application in process (Docket No. 53636) at the Commission to change the utility name from Monarch Utilities I L.P. to Texas Water Utilities, L.P. Until that application is approved the legal utility name on file with the Commission is Monarch Utilities I L.P. When Docket No. 53636 is approved, and the name change is complete, the final approval will be filed in this docket so the name can be changed to the new utility name.

Specifically, Monarch, water Certificate of Convenience and Necessity (CCN) No. 12983, seeks approval to acquire facilities and to transfer all of the water service area from Creek Water under water CCN No. 11028.

Based on the mapping review by Tracy Montes, Infrastructure Division, the maps submitted with Item 1 on August 1, 2022 are sufficient.

- The requested area includes 94 customer connections and approximately 289.5 acres, comprised of:
 - 289.5 acres of transferred area from CCN No. 11028;
 - 16.6 acres of dual certificated area with Harleton WSC (CCN No. 11887).
- The application proposes the subtraction of approximately 289.5 acres from CCN No. 11028 and the addition of approximately 289.5 acres to CCN No. 12983.

- *272.9 acres will be single certification and 16.6 acres will be dual certification with CCN No. 11887.
- The application indicates that the total acreage being requested is approximately 239.5 acres, however, the mapping review determined the requested area is approximately 289.5 acres.

On October 7, 2022, the Administrative Law Judge determined that the application be deemed administratively complete. Based on this finding, I recommend that the Applicants be ordered to do the following:

- 1) Provide notice of the application by first-class mail to the following:
 - a. Cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area:
 - *Cypress Valley Navigation District*
 - *Diana Special Utility District (SUD) (CCN No. 10425)*
 - *Harleton Water Supply Corporation (WSC) (CCN No. 11887)*
 - b. The county judge of each county that is wholly or partially included in the requested area:
 - *Marion County Judge*
 - c. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. District information and addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <https://www14.tceq.texas.gov/iwud/index.cfm>.

- 2) Provide notice using the attached notice form.
- 3) Provide a copy of the maps deemed sufficient during administrative review delineating the requested area with each individual notice to neighboring utilities, other affected parties, and customers.
- 4) File in the docket copy of notice and the maps deemed sufficient during administrative review along with the signed affidavit specifying every person and entity to whom notice was provided, and the date that the notice was provided.