

Control Number: 46150



Item Number: 140

Addendum StartPage: 0

SOAH DOCKET NO. 473-17-0685.WS  
PUC DOCKET NO. 46150

RECEIVED  
PUBLIC UTILITY COMMISSION  
OCT 30 PM 12:40  
FILING CLERK

APPLICATION OF PK-RE DEVELOPMENT COMPANY, INC. §  
D/B/A OAK SHORES WATER SYSTEM § BEFORE THE STATE OFFICE  
AND UNDINE DEVELOPMENT LLC § OF  
FOR SALE, TRANSFER, OR MERGER §  
OF FACILITIES AND CERTIFICATE § ADMINISTRATIVE HEARINGS  
RIGHT IN TRAVIS COUNTY §

**AGREED MOTION TO ADMIT EVIDENCE AND  
REMAND TO COMMISSION**

COMES NOW Undine Texas, LLC (“Undine”), and with the consent of the parties to this proceeding, files this Agreed Motion to Admit Evidence and Agreed Motion for Entry of an Order to Proceed with Sale.

**I. BACKGROUND**

On July 11, 2016, PK-RE Development Company, Inc., d/b/a Oak Shores Water System (“PK-RE”) and Undine Development, LLC (“Undine”) filed an application for the sale, transfer, or merger of facilities and certificate rights held by PK-RE in Travis County.<sup>1</sup> The parties to this proceeding have reached a settlement of all of the issues in this proceeding and have agreed to support or not to oppose the application. The parties’ settlement agreement will be filed concurrently on the same day as this pleading.

On October 5, 2017, Order No. 9 was filed requiring the parties to file, no later than October 16, 2017, the settlement agreement, evidence supporting the settlement agreement, and a motion for admission of same, and a motion to remand this case to the Public Utility Commission (“Commission”). This pleading is timely filed.

**II. MOTION TO ADMIT EVIDENCE**

The parties request that the following documents be admitted into the evidentiary record for the purpose of supporting a Commission final order consistent with the settlement agreement.

- a. PK-RE and Undine’s Application (Commission automated interchange [AIS] Item No. 1, filed July 11, 2016);

<sup>1</sup> Application (Jul. 11, 2016).

140

- b. PK-RE's proof of notice (AIS Item No. 9, filed on September 23, 2016);
- c. Undine's First Errata to the Application (AIS Item No. 88, filed on November 21, 2016);
- c. Direct Testimony of Michael J. Ashfield (concurrently filed on October 30, 2017);
- d. The Settlement Agreement (concurrently filed on October 30, 2017); and
- e. Staff's memorandum recommending entry of an order to proceed with the proposed transaction (concurrently filed on October 30, 2017).

### III. MOTION FOR REMAND

The settlement agreement obligates the intervenors to file a statement of non-opposition to the STM Application in this docket within seven days from the effective date of the settlement agreement, and the Commission Staff has agreed to support the approval by the Commission of the STM Application. The settlement agreement is effective as of October 30, 2017. Therefore, the intervenors will file their statement on or before November 6, 2017. Upon that filing, there will remain no opposition to the STM Application, and there are no further issues in controversy. Therefore, the parties respectfully request the Administrative Law Judge remand this docket to the Commission for processing as an uncontested matter.

### IV. CONCLUSION

The parties respectfully request the entry of an order consistent with this motion. Specifically, the parties request that the motion to admit evidence be granted and that an order remanding this matter to the Commission be entered.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE  
& TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900

Austin, Texas 78701

(512) 322-5800

(512) 472-0532 (Facsimile)



---

GEORGIA N. CRUMP

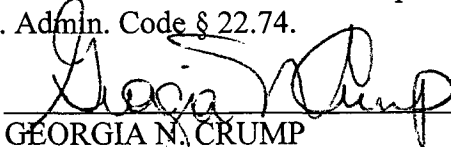
State Bar No. 05185500

JAMIE L. MAULDIN  
State Bar No. 24065694

ATTORNEYS FOR UNDINE DEVELOPMENT  
COMPANY, LLC

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 30, 2017 in accordance with 16 Tex. Admin. Code § 22.74.

  
\_\_\_\_\_  
GEORGIA N. CRUMP

**SOAH DOCKET NO. 473-17-0685.WS  
PUC DOCKET NO. 46150**

<b>APPLICATION OF PK-RE</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>DEVELOPMENT COMPANY, INC.</b>	<b>§</b>	
<b>D/B/A OAK SHORES WATER SYSTEM</b>	<b>§</b>	<b>OF</b>
<b>AND UNDINE DEVELOPMENT LLC</b>	<b>§</b>	
<b>FOR SALE, TRANSFER, OR MERGER</b>	<b>§</b>	
<b>OF FACILITIES AND CERTIFICATE</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>
<b>RIGHT IN TRAVIS COUNTY</b>		

**ATTACHMENT A  
TO AGREED MOTION TO ADMIT EVIDENCE  
AND REMAND TO COMMISSION**

**PROPOSED ORDER TO PROCEED  
WITH SALE**

**SOAH DOCKET NO. 473-17-0685.WS  
PUC DOCKET NO. 46150**

<b>APPLICATION OF PK-RE</b>	§	<b>BEFORE THE STATE OFFICE</b>
<b>DEVELOPMENT COMPANY, INC.</b>	§	
<b>D/B/A OAK SHORES WATER SYSTEM</b>	§	<b>OF</b>
<b>AND UNDINE DEVELOPMENT LLC</b>	§	
<b>FOR SALE, TRANSFER, OR MERGER</b>	§	
<b>OF FACILITIES AND CERTIFICATE</b>	§	<b>ADMINISTRATIVE HEARINGS</b>
<b>RIGHT IN TRAVIS COUNTY</b>		

**ORDER NO. \_\_\_\_  
APPROVING SALE AND TRANSFER TRANSACTION TO PROCEED**

On July 11, 2016, PK-RE Development Company, Inc., d/b/a Oak Shores Water System (“PK-RE”) and Undine Development LLC (“Undine”) filed an application for the sale, transfer, or merger of facilities and certificate rights held by PK-RE in Travis County. On October 16, 2017, the parties filed a unanimous settlement agreement indicating that all parties support or do not oppose approval of the application. The case was remanded from State Office of Administrative Hearings to the Public Utility Commission (“Commission”) on \_\_\_\_\_.

Consistent with the parties’ settlement agreement, the sale and transfer transaction contemplated in the application may proceed and be consummated. As soon as possible after the effective date of the transaction, but not later than 30 days after the effective date of the transaction, Undine shall file proof that the sale and transfer have been consummated and customer deposits addressed. Pursuant to 16 Tex. Admin. Code § 24.109(o), Undine has 180 days to submit proof to the Commission that the transaction has been consummated. If closing documents are not submitted within this period, or an extension granted, approval of this transaction is void. Undine is advised that there will be no change to the certificate held by PK-RE until the transfer is complete in accordance with Commission rules.

Beginning \_\_\_\_\_, 2017, and continuing monthly thereafter, Undine shall file updates regarding the status of the transaction. Within 30 days following the filing of proof that the sale and transfer have been consummated and customer deposits (if any) have been addressed, Commission Staff shall file its recommendation of the adequacy of the documents.

**SIGNED AT AUSTIN, TEXAS on the \_\_\_\_ day of \_\_\_\_\_, 2017**

\_\_\_\_\_  
**ADMINISTRATIVE LAW JUDGE**