

Control Number: 46745



Item Number: 13

Addendum StartPage: 0

APPLICATION OF ORBIT SYSTEMS, §  
INC. AND UNDINE, TEXAS, LLC FOR §  
THE SALE, TRANSFER, OR MERGER §  
OF FACILITIES AND CERTIFICATE §  
RIGHTS IN BRAZORIA, FORT BEND, §  
AND MATAGORDA COUNTIES §  
§

PUBLIC UTILITY COMMISSION  
OF TEXAS

RECEIVED  
2017 FEB -9 PM 1:46  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Recommendation on Administrative Completeness and would show the following:

**I. BACKGROUND**

On January 9, 2017, Orbit Systems, Inc. (Orbit) and Undine, Texas, LLC (Undine) (collectively, Applicants) filed an application for the sale, transfer, or merger of facilities and certificate rights in Brazoria, Fort Bend, and Matagorda Counties. Undine seeks to acquire a portion of water and wastewater assets of Orbit under water certificate of convenience and necessity (CCN) 11982 and sewer CCN No. 20682.

On January 11, 2017, the administrative law judge issued Order No. 1, which established February 9, 2017 as the deadline for Staff to file comments regarding the administrative completeness of the application and the need for additional notice, if any, and to propose a procedural schedule. This pleading is therefore timely filed.

**II. SUFFICIENCY RECOMMENDATION**

Staff has reviewed the application and, as supported by the attached memorandum from Greg Charles and Kristy Nguyen of the Commission's Water Utilities Division, Staff recommends that the application be found administratively complete and accepted for filing under 16 Tex. Admin. Code §§ 24.101-107 (TAC). Staff further recommends that the Applicants be required to provide notice consistent with the recommendations in the attached memorandum.

13

### III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule.

<b>Event</b>	<b>Date</b>
Deadline for the Applicants to file proof of notice with the Commission	March 10, 2016
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of the Applicants filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

### IV. CONCLUSION

Staff respectfully recommends an order consistent with the above recommendations.

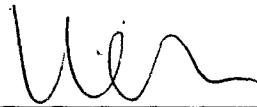
Date: February 9, 2017

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney



---

Vera Dygert  
State Bar No. 24094634  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7230  
(512) 936-7268 (facsimile)

**DOCKET NO. 46745**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this February 9, 2017, in accordance with 16 TAC § 22.74.



---

Vera Dygert

## PUC Interoffice Memorandum

---

**To:** Vera Dygert, Attorney  
Legal Division

**Through:** Tammy Benter, Director  
Water Utilities Division

**From:** Greg Charles, P.E.  
Kristy Nguyen, GIS Specialist

**DATE:** February 7, 2017

**SUBJECT:** **Docket No. 46745**, *Application of Orbit Systems, Inc. and Undine Texas, LLC for sale, transfer, or merger (STM) of facilities and certificate rights in Brazoria, Fort Bend, and Matagorda Counties.*

On January 9, 2017, Orbit Systems, Inc., (Orbit or Seller) and Undine Texas, LLC, (Undine or Purchaser), (collectively Applicants) filed an application for the sale, transfer, or merger of facilities and certificate rights in Brazoria, Fort Bend, and Matagorda Counties. Specifically, Undine seeks approval to acquire a portion of Orbit's facilities and service area of Certificate of Convenience and Necessity (CCN) Nos. 11982 (water) and 20682 (sewer). The requested area includes approximately 3,211.13 acres, 1,604 current customers will be affected and 35 public water systems will be transferred.

Based on Staff's review of the above referenced application, Staff recommends that the application be deemed sufficient for filing and be found administratively complete. Staff also recommends the following:

- 1) The Applicant be ordered to provide correct notice of the application to the following:
  - a) any districts, utilities, and cities within two (2) miles of the proposed service area;
  - b) the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be certified;
  - c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be certified;
  - d) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the proposed area to be certified. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN is located; and
  - e) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Brazoria, Fort Bend and Matagorda Counties.
  
- 2) The Applicant must provide correct notice of the application to the following entities:

**BRAZORIA COUNTY:**

Aqua Texas Inc. (CCN No. 11157)  
Bateman Waterworks (CCN No. 13051)  
Bayou Shadows (CCN No. 12869)  
Bernard WSC (CCN No. N0002)  
Brazoria Bend Water Authority

Brazoria County  
Brazoria County Drainage District 4  
Brazoria County Drainage District 5  
Brazoria County Drainage District 8  
Brazoria County FWSD 2  
Brazoria County MUD 2  
Brazoria County MUD 3  
Brazoria County MUD 6  
Brazoria County MUD 7  
Brazoria County MUD 12  
Brazoria County MUD 13  
Brazoria County MUD 14  
Brazoria County MUD 16  
Brazoria County MUD 17  
Brazoria County MUD 18  
Brazoria County MUD 19  
Brazoria County MUD 21 (CCN No. 13042)  
Brazoria County MUD 22 (CCN No. 13231)  
Brazoria County MUD 23  
Brazoria County MUD 24  
Brazoria County MUD 28  
Brazoria County MUD 29  
Brazoria County MUD 30  
Brazoria County MUD 31  
Brazoria County MUD 32  
Brazoria County MUD 36  
Brazoria County MUD 39  
Brazoria County MUD 40  
Brazoria County MUD 42  
Brazoria County MUD 43  
Brazoria County MUD 48  
Brazoria County MUD 49  
Brazoria County MUD 50  
Brazoria County MUD 55  
Brazoria County MUD 56  
Brazoria County MUD 57  
Brazoria County MUD 61  
Brazoria County MUD 62  
Brazoria GCD  
Brazos Bend Water Authority  
Brazos River Authority  
Cedar Grove MHP  
City of Alvin  
City of Angleton  
City of Arcola  
City of Friendswood  
City of Iowa Colony  
City of Lake Jackson  
City of Liverpool  
City of Manvel (CCN No.12653)  
City of Pearland (CCN No. 11008)  
City of Richwood

City of Sweeny (CCN No. 10717)  
Clear Creek Watershed Regional Flood Control District  
Fort Bend County Drainage District  
Fort Bend County FWSD 1  
Fort Bend County MUD 141  
Fort Bend County MUD 166  
Frontier Water Company (CCN No. 12509)  
Galveston County Consolidated Drainage District  
Gulf Coast Utility Co Inc (CCN No. 12094)  
Gulf Coast Waste Disposal Authority  
Gulf Coast Water Authority  
JMP Utilities Inc (CCN No. 12838)  
KC Utilities Inc  
LHL Industries (CCN No. 11271)  
Manvel Terrace Utilities (CCN No. 12080)  
Monarch Utilities I LP (CCN No. 12983)  
Oak Manor MUD  
Orbit Systems Inc (CCN No. 11982)  
Port Freeport  
Rancho Isabella MUD  
Roger Lewis Water System (CCN No. 12255)  
SP Utility Company Inc (CCN No. 12978)  
Trent Water works (CCN No.11050)  
Velasco Drainage District  
West Brazoria County Drainage District

**FORT BEND COUNTY:**

Aqua Texas Inc (CCN No.13203)  
Brazos River Authority  
City of Fairchilds  
City of Needville  
City of Pleak  
City of Richmond (CCN No. 10714)  
Fort Bend County  
Fort Bend County Drainage District  
Fort Bend County FWSD 2  
Fort Bend County LID 20  
Fort Bend County MUD 176  
Fort Bend County MUD 200  
Fort Bend County MUD 209  
Fort Bend County MUD 210  
Fort Bend County MUD 211  
Fort Bend County MUD 212  
Fort Bend County WCID 10  
Fort Bend Subsidence District  
North Fort Bend Water Authority  
Orbit Systems Inc (CCN No. 11982)  
Royal Valleys Utilities Inc (CCN No. 12922)

**MATAGORDA COUNTY:**

City of Bay City  
Coastal Plains GCD

Lower Colorado Rive Authority  
Matagorda County WCID 6  
Matagorda County  
Oak Hollow MHP (CCN No. 11606)

The Applicant must include copy of a map showing the proposed service area with the individual notices to neighboring utilities, other affected parties and each landowner. It is the Applicant's burden to provide an accurate map delineating the proposed area with each individual notice. Information related to districts including addresses can be obtained from the TCEQ's web site located at <http://www14.tceq.texas.gov/iwud/>; and

The Applicant must file a copy of the actual notice and map issued, along with signed affidavits indicating that the notice was given. It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.



**Notice to Neighboring Systems, Landowners and Cities**

**UNDINE TEXAS LLC, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO TRANSFER PORTIONS OF CERTIFICATED SERVICE AREA UNDER CCN NOS. 11982 AND 20682, FROM ORBIT SYSTEMS, INC. IN BRAZORIA, FORT BEND AND MATAGORDA COUNTIES, TEXAS**

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 2017  
 (Name of Customer, Neighboring System, or City)

\_\_\_\_\_  
 (Address)

\_\_\_\_\_  
 (City State Zip)

<u>Undine Texas LLC</u>	<u>10913 Metronome Drive</u>	<u>Houston</u>	<u>TX</u>	<u>77043</u>
(Purchaser's or Transferee's Name)	(Address)	(City)	(State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to obtain a CCN, purchase water facilities and to transfer portions of water and sewer certificated service area under CCN Nos. 11982 and 20682, in Brazoria, Fort Bend and Matagorda Counties, TX from:

<u>Orbit Systems</u>	<u>1302 Airline North</u>	<u>Rosharon</u>	<u>TX</u>	<u>77583</u>
(Seller's or Transferor's Name)	(Address)	(City)	(State)	(Zip Code)

The sale is scheduled to take place as approved by the Commission (V.T.C.A., Water Code § 13.301). The transaction includes the following subdivisions:

**Brazoria County:**

Angle Acres Mobile Home Park – Water and Sewer:

The area subject to this transaction is located within approximately 2 miles east/southeast of downtown Angleton, TX, and is generally bounded on the north by E Kiber St; on the east by FM 523; on the south by 275' south of Mel Ct; and on the west by 600' west of JoAnn.

Bayou Colony Subdivision:

The area subject to this transaction is located within approximately 3.4 miles southwest of downtown Manvel, TX, and is generally bounded on the north by 130' north of Baylor Ln; on the east by Pursley Rd; on the south by 145' south of Colony Ln; and on the west by 0.5 mile east of Iowa School Rd. The total area being requested includes approximately 35 acres and serves 26 current customers.

Beechwood Subdivision – Water and Sewer:

The area subject to this transaction is located within approximately 3.2 miles northwest of downtown Angleton, TX, and is generally bounded on the north by 220' north of Fox Run Dr; on the east by North Velasco St; on the south by 0.4 mile south of Beechwood Dr; and on the west by 570' west of SH 288. The total area being requested includes approximately 180 acres and serves 103 current customers.

Bernard Oaks Subdivision:

The area subject to this transaction is located within approximately 2.1 miles east of downtown Sweeny, TX, and is generally bounded on the north by CR 244; on the east by 411' east of Cherokee; on the south and on the west by San Bernard River.

The total area being requested includes approximately 102 acres and serves 71 current customers.

Blue Sage Gardens Subdivision:

The area subject to this transaction is located within approximately 3 miles southwest of downtown Pearland, TX, and is generally bounded on the north by 207' north of Blue Sage Dr; on the east by Manvel Rd; on the south by Magnolia Rd; and on the west by Glenwood Dr.

The total area being requested includes approximately 26 acres (original CCN area is approximately 31.6 acres; requesting to decertify 17.6 acres and amend to add 11.7 acres) and serves 48 current customers.

Brandi Estates:

The area subject to this transaction is located within approximately 0.7 miles south of downtown Manvel, TX, and is generally bounded on the north by Jordan St; on the east by 455' east of Sherri Circle; on the south by Reed Ln; and on the west by 125' west of Sherri Circle.

The total area being requested includes approximately 44 acres and serves 39 current customers.

Brazos Oaks Subdivision:

The area subject to this transaction is located within approximately 7.2 miles southwest of downtown Alvin, TX, and is generally bounded on the north by 1.1 mile south of CR 172; on the east by CR 192; on the south by 0.2 mile north of TX 35; and on the west by 1 mile west of CR 192.

The total area being requested includes approximately 136 acres and serves 0 current customers.

Briar Meadows:

The area subject to this transaction is located within approximately 7.2 miles southwest of downtown Alvin, TX, and is generally bounded on the north by 100' north of Summer Ln; on the east by 590' east of CR 574; on the south by Brian Ct; and on the west by CR 121.

The total area being requested includes approximately 174 acres and serves 35 current customers.

Colony Cove Subdivision:

The area subject to this transaction is located within approximately 4 miles west/northwest of downtown Manvel, TX, and is generally bounded on the north by CR 584; on the east by Old Airline Rd; on the south by 543' south of Colony Cove; and on the west by 175' west of Brook Cove.

The total area being requested includes approximately 41.45 acres (original CCN area is approximately 22 acres; requesting to amend to add 19.45 acres) and serves 53 current customers.

Colony Trails Subdivision:

The area subject to this transaction is located within approximately 1.5 miles north/northwest of downtown Iowa Colony, TX, and is generally bounded on the north by Oak St; on the east by 0.3 mile east of Trail Loop East; on the south by 535' south of Trail Loop South; and on the west by Karsten Rd.

The total area being requested includes approximately 129 acres and serves 71 current customers.

Country Acres Estates:

The area subject to this transaction is located within approximately 3.5 miles west of downtown Alvin, TX, and is generally bounded on the north by 0.33 mile south of CR 181; on the east by Country Acres Dr South; on the south by 320' south of Country Acres Drive; and on the west by .17 mile east of CR 146.

The total area being requested includes approximately 123 acres (original CCN area is approximately 103 acres; requesting to amend to add 20 acres) and serves 91 current customers.

Country Meadows:

The area subject to this transaction is located within approximately 3.4 miles southeast of downtown Manvel, TX, and is generally bounded on the north by Alvin Manvel Road; on the east by CR 146; on the south by CR 964; and on the west by 332' west of Country Meadows.

The total area being requested includes approximately 62 acres and serves 45 current customers.

Demi John I S:

The area subject to this transaction is located within approximately 9.8 miles northwest of downtown Lake Jackson, TX, and is generally bounded on the north, east, south, and west by Bastrop Bayou.

The total area being requested includes approximately 60 acres and serves 89 current customers.

Demi John Place Water:

The area subject to this transaction is located within approximately 9.2 miles northeast of downtown Lake Jackson, TX, and is generally bounded on the north by 1<sup>st</sup> St; on the east by Bastrop Bayou; on the south by Bastrop Bayou and Morrow St; and on the west by CR 227.

The total area being requested includes approximately 45.34 acres (original CCN area is approximately 16.25 acres; requesting to amend to add 29.09 acres) and serves 89 current customers.

Larkspur Subdivision:

The area subject to this transaction is located within approximately 4.4 miles south of downtown Angleton, TX, and is generally bounded on the north by 685' north of El Lago Rd; on the east by Bastrop Rd; on the south by 670' south of El Lago Rd; and on the west by Brazosport Blvd North.

The total area being requested includes approximately 91 acres and serves 7 current customers.

Lee Ridge Subdivision:

The area subject to this transaction is located within approximately 1.9 miles east of downtown Manvel, TX, and is generally bounded on the north by 0.62 mile south of Belcher Rd; on the east by Pearland Sites Rd; on the south by SH 6; and on the west by 0.19 mile west of Ridge Rd.

The total area being requested includes approximately 248.45 acres (original CCN area is approximately 246.5 acres; requesting to amend to add 1.9 acres) and serves 25 current customers.

Mark V Estates:

The area subject to this transaction is located within approximately 5.3 miles southwest of downtown Alvin, TX, and is generally bounded on the north by Hunters Bend; on the east by 300' east of Keith Circle; on the south by 100' south of Custom Drive; and on the west by Parker Stringtown Rd.

The total area being requested includes approximately 134 acres and serves 98 current customers.

Mooreland Subdivision:

The area subject to this transaction is located within approximately 3.5 miles north of downtown Alvin, TX, and is generally bounded on the north by 0.14 mile south of Cornett Rd; on the east by 950' east of Mooreland; on the south by 350' south of Oliver Ln; and on the west by 350' west of Marie Lane.

The total area being requested includes approximately 54 acres and serves 56 current customers.

Quail Valley Ranches Section IV:

The area subject to this transaction is located within approximately 1.75 miles west of downtown Manvel, TX, and is generally bounded on the north by Mustang Bayou Rd; on the east by intersection of Mustang Bayou and Mustang Bayou Rd; on the south by Morris Ave; and on the west by Mustang Bayou.

The total area being requested includes approximately 46.23 acres (original CCN area is approximately 46 acres; requesting to amend to add .23 acres) and serves 11 current customers.

Riverside Estates:

The area subject to this transaction is located within approximately 13.6 miles northwest of downtown Angleton, TX, and is generally bounded on the north by 0.25 mile north of Brazos Ave; on the east by Riverside Dr; on the south by Redwood St; and on the west by the Brazos River.

The total area being requested includes approximately 229.32 acres (original area is approximately 104 acres; requesting to amend to add 125.32 acres) and serves 58 current customers.

Rosharon Road Estates Subdivision:

The area subject to this transaction is located within approximately 8.8 miles southwest of downtown Alvin, TX, and is generally bounded on the north by 310' north of Avenue D; on the east by 0.2 mile east of Rosharon Road Estates Rd; on the south by FM 1462; and on the west by 230' west of Rosharon Road Estates Dr.

The total area being requested includes approximately 87 acres and serves 74 current customers.

Ryan Long Subdivision:

The area subject to this transaction is located within approximately 5.6 miles northwest of downtown Alvin, TX, and is generally bounded on the north by Hastings Cannon Rd; on the east by 14<sup>th</sup> St; on the south by 0.19 mile south of 9<sup>th</sup> Ave; and on the west by Wells Dr.

The total area being requested includes approximately 34 acres and serves 17 current customers.

San Bernard River Estates:

The area subject to this transaction is located within approximately 3 miles southwest of downtown Brazoria, TX, and is generally bounded on the north by 340' north of McGreal St; on the east by CR 510; on the south by 0.21 mile south of McGregor Ln; and on the west by the San Bernard River.

The total area being requested includes approximately 53 acres and serves 53 current customers.

Sandy Meadow Estates Subdivision:

The area subject to this transaction is located within approximately 10.3 miles southwest of downtown Alvin, TX, and is generally bounded on the north by FM 1462; on the east by 220' east of East Sandy Meadows Dr; on the south by 900' south of West Sandy Meadows Dr; and on the west by 250' west of West Sandy Meadows Dr.

The total area being requested includes approximately 58 acres and serves 65 current customers.

Snug Harbor Subdivision:

The area subject to this transaction is located within approximately 1.9 miles southeast of downtown Liverpool, TX, and is generally bounded on the north by Hailey Rd; on the east by Chocolate Bayou; on the south by Harbor Dr; and on the west by CR 203.

The total area being requested includes approximately 61.8 acres (original CCN area is approximately 52.82 acres; requesting to amend to add 8.98 acres) and serves 39 current customers.

Village Lakes Subdivision:

The area subject to this transaction is located within approximately 5 miles northwest of downtown Alvin, TX, and is generally bounded on the north by 0.2 mile south of CR 669B; on the east 465' west of CR 927A; on the south by 0.2 mile north of Casteel Rd; and on the west by Pearland Sites Rd.

The total area being requested includes approximately 147 acres and serves 0 current customers.

Wilco Water:

The area subject to this transaction is located within approximately 5.4 miles southeast of downtown Angleton, TX, and is generally bounded on the north by Hammond Rd; on the east by 100' east of Seagull Rd; on the south by Bastrop Bayou; and on the west by Annette Rd.

The total area being requested includes approximately 110 acres and serves 65 current customers.

Wolf Glen:

The area subject to this transaction is located within approximately 6.8 miles northeast of downtown Angleton, TX, and is generally bounded on the north by 0.6 mile south of CR 47; on the east by 915' east of Wolf Glen Estates Dr; on the south by TX 35 and on the west by 500' west of Wolf Glen. The total area being requested includes approximately 162 acres and serves 34 current customers.  
Fort Bend County:

723 Utility:

The area subject to this transaction is located within approximately 3.3 miles northwest of downtown Richmond, TX, and is generally bounded on the north by Beadle Ln; on the east by 225' east of River Bend Dr; on the south by 750' south of River Ranch South Dr; and on the west by FM 723. The total area being requested includes approximately 160 acres and serves 72 current customers.

Crystal Lake Estates:

The area subject to this transaction is located within approximately 3.6 miles northwest of downtown Richmond, TX, and is generally bounded on the north by 300' north of Crystal Water Dr; on the east and south by Bobwhite Dr; and on the west by 320' west of Whispering Woods Ln. The total area being requested includes approximately 50.3 acres and serves 30 current customers.

Tejas Lakes Subdivision:

The area subject to this transaction is located within approximately 2.25 miles north/northeast of downtown Needville, TX, and is generally bounded on the north by Rybak, Merchant Ct, and Bob White; on the east by 0.58 mile west of Fairchild Creek; on the south by Jeske Rd; and on the west by TX 36. The total area being requested includes approximately 186 acres and serves 72 current customers.

**Matagorda County:**

The area subject to this transaction is located within approximately 7 miles northeast of downtown Bay City, TX, and is generally bounded on the north by Caney Creek; on the east by 360' east of Camino del Arroyo; on the south by 500' north of Oak Forest Rd; and on the west by TX 35. The total area being requested includes approximately 80 acres and serves 27 current customers.

This transaction will have the following effect on the current customer's rates and services:

(1) Current customer water rates will remain unchanged; (2) service quality will remain the same or improve; and (3) Undine Development, LLC's service policies will apply at the completion of this transaction when it becomes the certificated retail public water utility for all transferred customers.

**See enclosed maps of the proposed water service area.**

The total area being requested includes approximately 3211.13 and serves 1604 current customers.

You may request a public hearing. A request for a public hearing must be in writing and include: (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, docket number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application which would satisfy your concerns and cause you to withdraw your request for a hearing.

Hearing requests, comments or requests to intervene should be filed with the:

Public Utility Commission of Texas  
Central Records  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request will receive notice if a hearing is scheduled.

Approximately 29 acres of uncertificated area overlaps Brazoria County FWSD 2 in Brazoria County adjacent to the Demi John Place subdivision. If the requested area overlaps the boundaries of a district, and the district does not request a public hearing, the Commission shall determine that the district is consenting to Undine Texas LLC's request to provide service in the requested area.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the applicant. All opt out requests must include a large scale map and a metes and bounds description of the landowner's tract of land.

Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas  
Central Records  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

In addition, the landowner must also send a copy of the opt out to the applicant. Staff may request additional information regarding your request.

**Si desea informacion en Espanol, puede llamar al 1-888-782-8477  
or call Peter T. Gregg at (512) 381-8085**

---

Utility Representative  
ORBIT SYSTEMS, INC

*Notice for Publication*

**UNDINE TEXAS LLC, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO TRANSFER PORTIONS OF CERTIFICATED SERVICE AREA UNDER CCN NOS. 11982 AND 20682, FROM ORBIT SYSTEMS, INC. IN BRAZORIA, FORT BEND AND MATAGORDA COUNTIES, TEXAS**

<u>Undine Texas LLC</u>	<u>10913 Metronome Drive</u>	<u>Houston</u>	<u>TX</u>	<u>77043</u>
(Purchaser's or Transferee's Name)	(Address)	(City)	(State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to obtain a CCN, purchase water facilities and to transfer portions of water and sewer certificated service area under CCN Nos. 11982 and 20682, in Brazoria, Fort Bend and Matagorda Counties, TX from:

<u>Orbit Systems</u>	<u>1302 Airline North</u>	<u>Rosharon</u>	<u>TX</u>	<u>77583</u>
(Seller's or Transferor's Name)	(Address)	(City)	(State)	(Zip Code)

The sale is scheduled to take place as approved by the Commission (V.T.C.A., Water Code § 13.301). The transaction includes the following subdivisions:

**Brazoria County:****Angle Acres Mobile Home Park – Water and Sewer:**

The area subject to this transaction is located within approximately 2 miles east/southeast of downtown Angleton, TX, and is generally bounded on the north by E Kiber St; on the east by FM 523; on the south by 275' south of Mel Ct; and on the west by 600' west of JoAnn.

**Bayou Colony Subdivision:**

The area subject to this transaction is located within approximately 3.4 miles southwest of downtown Manvel, TX, and is generally bounded on the north by 130' north of Baylor Ln; on the east by Pursley Rd; on the south by 145' south of Colony Ln; and on the west by 0.5 mile east of Iowa School Rd. The total area being requested includes approximately 35 acres and serves 26 current customers.

**Beechwood Subdivision – Water and Sewer:**

The area subject to this transaction is located within approximately 3.2 miles northwest of downtown Angleton, TX, and is generally bounded on the north by 220' north of Fox Run Dr; on the east by North Velasco St; on the south by 0.4 mile south of Beechwood Dr; and on the west by 570' west of SH 288. The total area being requested includes approximately 180 acres and serves 103 current customers.

**Bernard Oaks Subdivision:**

The area subject to this transaction is located within approximately 2.1 miles east of downtown Sweeny, TX, and is generally bounded on the north by CR 244; on the east by 411' east of Cherokee; on the south and on the west by San Bernard River. The total area being requested includes approximately 102 acres and serves 71 current customers.

Blue Sage Gardens Subdivision:

The area subject to this transaction is located within approximately 3 miles southwest of downtown Pearland, TX, and is generally bounded on the north by 207' north of Blue Sage Dr; on the east by Manvel Rd; on the south by Magnolia Rd; and on the west by Glenwood Dr.

The total area being requested includes approximately 26 acres (original CCN area is approximately 31.6 acres; requesting to decertify 17.6 acres and amend to add 11.7 acres) and serves 48 current customers.

Brandi Estates:

The area subject to this transaction is located within approximately 0.7 miles south of downtown Manvel, TX, and is generally bounded on the north by Jordan St; on the east by 455' east of Sherri Circle; on the south by Reed Ln; and on the west by 125' west of Sherri Circle.

The total area being requested includes approximately 44 acres and serves 39 current customers.

Brazos Oaks Subdivision:

The area subject to this transaction is located within approximately 7.2 miles southwest of downtown Alvin, TX; and is generally bounded on the north by 1.1 mile south of CR 172; on the east by CR 192; on the south by 0.2 mile north of TX 35; and on the west by 1 mile west of CR 192.

The total area being requested includes approximately 136 acres and serves 0 current customers.

Briar Meadows:

The area subject to this transaction is located within approximately 7.2 miles southwest of downtown Alvin, TX, and is generally bounded on the north by 100' north of Summer Ln; on the east by 590' east of CR 574; on the south by Brian Ct; and on the west by CR 121.

The total area being requested includes approximately 174 acres and serves 35 current customers.

Colony Cove Subdivision:

The area subject to this transaction is located within approximately 4 miles west/northwest of downtown Manvel, TX, and is generally bounded on the north by CR 584; on the east by Old Airline Rd; on the south by 543' south of Colony Cove; and on the west by 175' west of Brook Cove.

The total area being requested includes approximately 41.45 acres (original CCN area is approximately 22 acres; requesting to amend to add 19.45 acres) and serves 53 current customers.

Colony Trails Subdivision:

The area subject to this transaction is located within approximately 1.5 miles north/northwest of downtown Iowa Colony, TX, and is generally bounded on the north by Oak St; on the east by 0.3 mile east of Trail Loop East; on the south by 535' south of Trail Loop South; and on the west by Karsten Rd.

The total area being requested includes approximately 129 acres and serves 71 current customers.

Country Acres Estates:

The area subject to this transaction is located within approximately 3.5 miles west of downtown Alvin, TX, and is generally bounded on the north by 0.33 mile south of CR 181; on the east by Country Acres Dr South; on the south by 320' south of Country Acres Drive; and on the west by .17 mile east of CR 146.

The total area being requested includes approximately 123 acres (original CCN area is approximately 103 acres; requesting to amend to add 20 acres) and serves 91 current customers.

Country Meadows:

The area subject to this transaction is located within approximately 3.4 miles southeast of downtown Manvel, TX, and is generally bounded on the north by Alvin Manvel Road; on the east by CR 146; on the south by CR 964; and on the west by 332' west of Country Meadows.

The total area being requested includes approximately 62 acres and serves 45 current customers.



Demi John I S:

The area subject to this transaction is located within approximately 9.8 miles northwest of downtown Lake Jackson, TX, and is generally bounded on the north, east, south, and west by Bastrop Bayou. The total area being requested includes approximately 60 acres and serves 89 current customers.

Demi John Place Water:

The area subject to this transaction is located within approximately 9.2 miles northeast of downtown Lake Jackson, TX, and is generally bounded on the north by 1<sup>st</sup> St; on the east by Bastrop Bayou; on the south by Bastrop Bayou and Morrow St; and on the west by CR 227. The total area being requested includes approximately 45.34 acres (original CCN area is approximately 16.25 acres; requesting to amend to add 29.09 acres) and serves 89 current customers.

Larkspur Subdivision:

The area subject to this transaction is located within approximately 4.4 miles south of downtown Angleton, TX, and is generally bounded on the north by 685' north of El Lago Rd; on the east by Bastrop Rd; on the south by 670' south of El Lago Rd; and on the west by Brazosport Blvd North. The total area being requested includes approximately 91 acres and serves 7 current customers.

Lee Ridge Subdivision:

The area subject to this transaction is located within approximately 1.9 miles east of downtown Manvel, TX, and is generally bounded on the north by 0.62 mile south of Belcher Rd; on the east by Pearland Sites Rd; on the south by SH 6; and on the west by 0.19 mile west of Ridge Rd. The total area being requested includes approximately 248.45 acres (original CCN area is approximately 246.5 acres; requesting to amend to add 1.9 acres) and serves 25 current customers.

Mark V Estates:

The area subject to this transaction is located within approximately 5.3 miles southwest of downtown Alvin, TX, and is generally bounded on the north by Hunters Bend; on the east by 300' east of Keith Circle; on the south by 100' south of Custom Drive; and on the west by Parker Stringtown Rd. The total area being requested includes approximately 134 acres and serves 98 current customers.

Mooreland Subdivision:

The area subject to this transaction is located within approximately 3.5 miles north of downtown Alvin, TX, and is generally bounded on the north by 0.14 mile south of Cornett Rd; on the east by 950' east of Mooreland; on the south by 350' south of Oliver Ln; and on the west by 350' west of Marie Lane. The total area being requested includes approximately 54 acres and serves 56 current customers.

Quail Valley Ranches Section IV:

The area subject to this transaction is located within approximately 1.75 miles west of downtown Manvel, TX, and is generally bounded on the north by Mustang Bayou Rd; on the east by intersection of Mustang Bayou and Mustang Bayou Rd; on the south by Morris Ave; and on the west by Mustang Bayou. The total area being requested includes approximately 46.23 acres (original CCN area is approximately 46 acres; requesting to amend to add .23 acres) and serves 11 current customers.

Riverside Estates:

The area subject to this transaction is located within approximately 13.6 miles northwest of downtown Angleton, TX, and is generally bounded on the north by 0.25 mile north of Brazos Ave; on the east by Riverside Dr; on the south by Redwood St; and on the west by the Brazos River. The total area being requested includes approximately 229.32 acres (original area is approximately 104 acres; requesting to amend to add 125.32 acres) and serves 58 current customers.

Rosharon Road Estates Subdivision:

The area subject to this transaction is located within approximately 8.8 miles southwest of downtown Alvin, TX, and is generally bounded on the north by 310' north of Avenue D; on the east by 0.2 mile east of Rosharon Road Estates Rd; on the south by FM 1462; and on the west by 230' west of Rosharon Road Estates Dr.

The total area being requested includes approximately 87 acres and serves 74 current customers.

Ryan Long Subdivision:

The area subject to this transaction is located within approximately 5.6 miles northwest of downtown Alvin, TX, and is generally bounded on the north by Hastings Cannon Rd; on the east by 14<sup>th</sup> St; on the south by 0.19 mile south of 9<sup>th</sup> Ave; and on the west by Wells Dr.

The total area being requested includes approximately 34 acres and serves 17 current customers.

San Bernard River Estates:

The area subject to this transaction is located within approximately 3 miles southwest of downtown Brazoria, TX, and is generally bounded on the north by 340' north of McGreal St; on the east by CR 510; on the south by 0.21 mile south of McGregor Ln; and on the west by the San Bernard River.

The total area being requested includes approximately 53 acres and serves 53 current customers.

Sandy Meadow Estates Subdivision:

The area subject to this transaction is located within approximately 10.3 miles southwest of downtown Alvin, TX, and is generally bounded on the north by FM 1462; on the east by 220' east of East Sandy Meadows Dr; on the south by 900' south of West Sandy Meadows Dr; and on the west by 250' west of West Sandy Meadows Dr.

The total area being requested includes approximately 58 acres and serves 65 current customers.

Snug Harbor Subdivision:

The area subject to this transaction is located within approximately 1.9 miles southeast of downtown Liverpool, TX, and is generally bounded on the north by Hailey Rd; on the east by Chocolate Bayou; on the south by Harbor Dr; and on the west by CR 203.

The total area being requested includes approximately 61.8 acres (original CCN area is approximately 52.82 acres; requesting to amend to add 8.98 acres) and serves 39 current customers.

Village Lakes Subdivision:

The area subject to this transaction is located within approximately 5 miles northwest of downtown Alvin, TX, and is generally bounded on the north by 0.2 mile south of CR 669B; on the east 465' west of CR 927A; on the south by 0.2 mile north of Casteel Rd; and on the west by Pearland Sites Rd.

The total area being requested includes approximately 147 acres and serves 0 current customers.

Wilco Water:

The area subject to this transaction is located within approximately 5.4 miles southeast of downtown Angleton, TX, and is generally bounded on the north by Hammond Rd; on the east by 100' east of Seagull Rd; on the south by Bastrop Bayou; and on the west by Annette Rd.

The total area being requested includes approximately 110 acres and serves 65 current customers.

Wolf Glen:

The area subject to this transaction is located within approximately 6.8 miles northeast of downtown Angleton, TX, and is generally bounded on the north by 0.6 mile south of CR 47; on the east by 915' east of Wolfglen Estates Dr; on the south by TX 35 and on the west by 500' west of Wolf Glen.

The total area being requested includes approximately 162 acres and serves 34 current customers.

Fort Bend County:

723 Utility:

The area subject to this transaction is located within approximately 3.3 miles northwest of downtown Richmond, TX, and is generally bounded on the north by Beadle Ln; on the east by 225' east of River Bend Dr; on the south by 750' south of River Ranch South Dr; and on the west by FM 723.

The total area being requested includes approximately 160 acres and serves 72 current customers.

Crystal Lake Estates:

The area subject to this transaction is located within approximately 3.6 miles northwest of downtown Richmond, TX, and is generally bounded on the north by 300' north of Crystal Water Dr; on the east and south by Bobwhite Dr; and on the west by 320' west of Whispering Woods Ln.

The total area being requested includes approximately 50.3 acres and serves 30 current customers.

Tejas Lakes Subdivision:

The area subject to this transaction is located within approximately 2.25 miles north/northeast of downtown Needville, TX, and is generally bounded on the north by Rybak, Merchant Ct, and Bob White; on the east by 0.58 mile west of Fairchild Creek; on the south by Jeske Rd; and on the west by TX 36.

The total area being requested includes approximately 186 acres and serves 72 current customers.

**Matagorda County:**

The area subject to this transaction is located within approximately 7 miles northeast of downtown Bay City, TX, and is generally bounded on the north by Caney Creek; on the east by 360' east of Camino del Arroyo; on the south by 500' north of Oak Forest Rd; and on the west by TX 35.

The total area being requested includes approximately 80 acres and serves 27 current customers.

This transaction will have the following effect on the current customer's rates and services:

(1) Current customer water rates will remain unchanged; (2) service quality will remain the same or improve; and (3) Undine Development, LLC's service policies will apply at the completion of this transaction when it becomes the certificated retail public water utility for all transferred customers.

The total area being requested includes approximately 3211.13 and serves 1604 current customers.

You may request a public hearing. A request for a public hearing must be in writing and include: (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, docket number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application which would satisfy your concerns and cause you to withdraw your request for a hearing.

Hearing requests, comments or requests to intervene should be filed with the:

Public Utility Commission of Texas  
Central Records  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request will receive notice if a hearing is scheduled.

Approximately 29 acres of uncertificated area overlaps Brazoria County FWSD 2 in Brazoria County adjacent to the Demi John Place subdivision. If the requested area overlaps the boundaries of a district,

and the district does not request a public hearing, the Commission shall determine that the district is consenting to Undine Texas LLC's request to provide service in the requested area.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the applicant. All opt out requests must include a large scale map and a metes and bounds description of the landowner's tract of land.

Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas

Central Records

1701 North Congress Avenue

P.O. Box 13326

Austin, Texas 78711-3326

In addition, the landowner must also send a copy of the opt out to the applicant. Staff may request additional information regarding your request.

**Si desea informacion en Espanol, puede llamar al 1-888-782-8477  
or call Peter T. Gregg at (512) 381-8085**

---

Utility Representative  
ORBIT SYSTEMS, INC

# PUBLIC UTILITY COMMISSION



## AFFIDAVIT OF NOTICE TO NEIGHBORING SYSTEMS, LANDOWNERS AND CITIES

DOCKET NO. 46745

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_

who being by me duly sworn, deposes and that (s)he is the

\_\_\_\_\_ of the \_\_\_\_\_  
(TITLE) (NAME OF UTILITY)

that the attached notice was provided to landowners and other affected parties by

\_\_\_\_\_  
(METHOD USED TO PROVIDE NOTICE)

on or about the following date, to wit \_\_\_\_\_,  
(DATE)

\_\_\_\_\_  
(SIGNATURE OF UTILITY OFFICIAL)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

Commission Expires \_\_\_\_\_

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT  
DOCKET NO. 46745

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_

who being by me duly sworn, deposes and that (s)he is the

\_\_\_\_\_ of the \_\_\_\_\_  
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in \_\_\_\_\_  
(COUNTY/COUNTIES)

and generally circulated in \_\_\_\_\_, Texas;  
(COUNTY/COUNTIES)\_

and that the attached notice was published in said newspaper on the following dates, to wit:

\_\_\_\_\_  
(DATES)

\_\_\_\_\_  
(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

Commission Expires \_\_\_\_\_