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DOCKET NO. 47640

APPLICATION OF UNDINE TEXAS,	§	PUBLIC UTILITY COMMISSION
LLC AND GULF COAST UTILITY	§	
COMPANY, INC. FOR SALE,	§	OF TEXAS
TRANSFER, OR MERGER OF WATER	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS BRAZORIA AND	§	
MATAGORDA COUNTIES	§	

2018 JUL 23 PM 3:26  
Public Utility Commission  
of Texas

**UNDINE TEXAS, LLC'S SECOND REQUEST FOR EXTENSION**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

Comes Now Undine Texas, LLC ("Undine") and files this Request for Extension.

On January 23, 2018, Order No. 4 was entered establishing July 22, 2018 as the deadline for Applicants to complete the transaction. On July 19, 2018, Order No. 5 was entered extending that deadline to August 21, 2018. For the reasons set forth herein, Undine hereby requests a forty-five day extension, to October 6, 2018, to complete the transaction.

**I.  
DISCUSSION**

The Commission rules provide that the 180-day deadline to complete the transaction may be extended for good cause shown. 16 Tex. Admin. Code § 24.109(o). Undine and the seller, Gulf Coast Utility Company, Inc., have been working diligently since the entry of Order No. 4 to close the transaction within the 180-day timeframe, and then the 210 day timeframe. As indicated previously the parties identified certain unanticipated impediments to closing within the 180 day deadline. Those impediments were addressed; however, the parties subsequently identified issues with the assignment or transfer of certain easements previously unknown to the parties and relevant to the transaction. Despite their best efforts, the parties are unable to resolve those easement issues by the amended August 21, 2018 deadline. The parties and this



transaction would be substantially adversely impacted if this application was dismissed in lieu of allowing the parties an additional 45 days to file proof of the transaction. Other than resolution of the easement issues, the parties are otherwise prepared to close the transaction (including having the funding in place and ready to be conveyed). Undine does not seek this extension for purposes of delay.

## **II. CONCLUSION**

Undine respectfully requests that the Request for Extension to October 6, 2018 be granted. The undersigned has consulted with counsel for Commission Staff, who has indicated they do not oppose this request.

Respectfully submitted,

**DuBois, Bryant & Campbell, LLP**

By: 

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**Attorneys for Undine Texas, LLC**



**CERTIFICATE OF SERVICE**

I do hereby certify by my signature above that a true and correct copy of the foregoing document was served by U.S. Mail and Email on this the 20<sup>th</sup> day of August, 2018, to the following:

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