

Control Number: 47641



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DeAnn T. Walker
Chairman

Brandy Marty Marquez
Commissioner

Arthur C. D'Andrea
Commissioner

Brian H. Lloyd
Executive Director



Greg Abbott
Governor

Public Utility Commission of Texas

TO: DeAnn T. Walker, Chairman
Brandy Marty Marquez, Commissioner
Arthur C. D'Andrea, Commissioner

All Parties of Record

FROM: Irene Montelongo
Director, Docket Management

RE: **Open Meeting of March 29, 2018**
Docket No. 47641 – *Request for Name Change from EMCAD Water and Wastewater, LLC to Undine Texas Environmental, LLC*

DATE: February 20, 2018

Enclosed is a copy of the Proposed Order in the above-referenced docket. The Commission will consider this docket at an open meeting presently scheduled to begin at 9:30 a.m. on Thursday, March 29, 2018, at the Commission's offices, 1701 North Congress Avenue, Austin, Texas. The parties shall file corrections or exceptions to the Proposed Order on or before Wednesday, March 21, 2018.

If there are no corrections or exceptions, no response is necessary.

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DOCKET NO. 47641

REQUEST FOR NAME CHANGE	§	PUBLIC UTILITY COMMISSION
FROM EMCAD WATER AND	§	
WASTEWATER, LLC TO UNDINE	§	OF TEXAS
TEXAS ENVIRONMENTAL, LLC	§	

PROPOSED ORDER

This Order addresses the request of EMCAD Water and Wastewater, LLC to amend certificate of convenience and necessity (CCN) numbers 20816, 20832, and 21019 to reflect a name change to Undine Texas Environmental, LLC. Commission Staff recommended approval of the request, as supplemented. The request, as supplemented, is approved.

The Commission adopts the following findings of fact and conclusions of law:

I. Findings of Fact

Procedural History

1. On September 22, 2017, EMCAD filed a request to change the name on CCNs 20816, 20832, and 21019 from EMCAD Water and Wastewater, LLC to Undine Texas Environmental, LLC. The service area for CCN 20816 is in Parker and Tarrant counties. CCN 20832 covers area in Johnson County and CCN 21019 covers area in Johnson and Tarrant counties.
2. Undine Texas, LLC acquired control of EMCAD in Docket No. 45745¹ in which the Commission determined that EMCAD's parent, Undine Texas, LLC, possesses the financial, managerial, and technical capability to provide continuous and adequate service.
3. Undine Texas, LLC changed the name of its subsidiary, EMCAD, to Undine Texas Environmental, LLC with the Texas Secretary of State. The instant proceeding seeks to amend the certificated name to reflect this change for the three sewer CCNs.
4. On September 27, 2017, Order No. 1 was issued requiring comments and recommendations on the administrative completeness of the request.

¹ *Application of Undine Texas, LLC for Approval to Purchase the Voting Stock in EMCAD Water and Wastewater, LLC*, Docket No. 45745, Notice of Approval (June 8, 2016) (Docket No. 45745).

5. On October 16, 2017, EMCAD filed a supplement to the request which clarified the contact information and corporate structure.
6. On October 17, 2017, Commission Staff recommended that the application, as supplemented, be found administratively complete and proposed a procedural schedule for processing.
7. On October 19, 2017, Order No. 2 was issued finding the application, as supplemented, administratively complete, submitting notice to the *Texas Register*, and establishing a procedural schedule.
8. On November 20, 2017, Commission Staff recommended approval of the application, as supplemented. Recognizing that there is no specific rule applicable to water and sewer CCN name changes, Commission Staff also recommended that the request be reviewed under the Commission's general authority under Texas Water Code §§ 13.041(a) and 13.241² and streamlined administrative review similar to that used in 16 Texas Administrative Code (TAC) §§ 26.101(d) and (e), because EMCAD is a wholly-owned subsidiary of Undine Texas, LLC who's financial, managerial, and technical qualifications were reviewed and approved by the Commission in Docket No. 45745.
9. On December 6, 2017, Commission Staff and EMCAD filed a joint request to admit evidence and proposed notice of approval.
10. On December 14, 2017, Commission Staff supplemented the joint proposed notice of approval to revise finding of fact 1 to include Parker County, because CCN number 20816 also covers some service area in Parker County. Commission Staff provided amended certificates.
11. On December 19, 2017, Order No. 3 was issued admitting evidence into the record of this proceeding.

Notice

12. Notice of EMCAD's request was published in the *Texas Register* on November 3, 2017.

² Texas Water Code Ann. §§ 13.041(a) and 13.241 (West 2008 & Supp. 2017) (TWC).

Informal Disposition

13. More than 15 days have passed since completion of all notice required for this docket.
14. No protests, motions to intervene, or requests for hearing were filed.
15. EMCAD and Commission Staff are the only parties to this proceeding.
16. No issues of fact or law remain disputed by any party.

II. Conclusions of Law

1. The Commission has jurisdiction over the request under TWC §§ 13.041(a) and 13.241.
2. EMCAD Water and Wastewater, LLC, now known as Undine Texas Environmental, LLC is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(59).
3. Notice of the request was provided in accordance with 16 TAC § 22.55.
4. The request was processed in accordance with TWC §§ 13.041 and 13.241 and Commission rules.
5. Approval of the request is necessary for the service, accommodation, convenience, and safety of the public.
6. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. EMCAD's request to amend CCN numbers 20816, 20832, and 21019 to reflect a change in name to Undine Texas Environmental, LLC, as supplemented, is granted, consistent with this Order.
2. The CCNs 20816, 20832, and 21019 bearing the name Undine Texas Environmental, LLC attached to this Order are approved.
3. All other motions and any other requests for general or specific relief, if not expressly granted, are denied.

Signed at Austin, Texas the _____ day of March 2018.

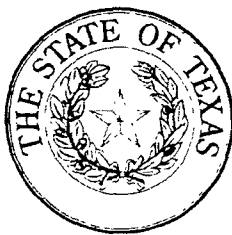
PUBLIC UTILITY COMMISSION OF TEXAS

DEANN T. WALKER, CHAIRMAN

BRANDY MARTY MARQUEZ, COMMISSIONER

ARTHUR C. D'ANDREA, COMMISSIONER

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Public Utility Commission of Texas

By These Presents Be It Known To All That

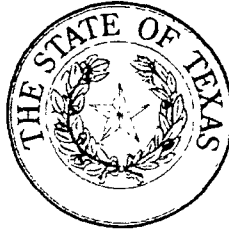
Undine Texas Environmental, LLC

having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Undine Texas Environmental, LLC is entitled to this

Certificate of Convenience and Necessity No. 20816

to provide continuous and adequate sewer utility service to that service area or those service areas in Parker and Tarrant Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47641 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Undine Texas Environmental, LLC, to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, the _____ day of _____ 2018



Public Utility Commission of Texas

By These Presents Be It Known To All That

Undine Texas Environmental, LLC

having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Undine Texas Environmental, LLC is entitled to this

Certificate of Convenience and Necessity No. 20832

to provide continuous and adequate sewer utility service to that service area or those service areas in Johnson County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47641 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Undine Texas Environmental, LLC, to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, the _____ day of _____ 2018.



Public Utility Commission of Texas

By These Presents Be It Known To All That

Undine Texas Environmental, LLC

having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Undine Texas Environmental, LLC is entitled to this

Certificate of Convenience and Necessity No. 21019

to provide continuous and adequate sewer utility service to that service area or those service areas in Johnson and Tarrant Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47641 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Undine Texas Environmental, LLC, to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, the _____ day of _____ 2018