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DOCKET NO. 47641

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

PUBLIC UTILITY COMMISSION  
OF TEXAS

PUBLIC UTILITY COMMISSION  
FILING CLERK

**JOINT MOTION FOR ADMISSION OF EVIDENCE AND ADOPTION OF PROPOSED NOTICE OF APPROVAL**

Commission Staff (“Staff”) of the Public Utility Commission of Texas (“Commission”) and EMCAD Water and Wastewater, LLC (“EMCAD”), n/k/a Undine Texas Environmental, LLC (“Undine”), file this Joint Proposed Notice of Approval and request to admit evidence. Pursuant to Order No. 2, the attached Proposed Notice of Approval (Attachment A) includes findings of fact, conclusions of law, and ordering paragraphs, and is timely filed by December 8, 2017.

**I.**

**BACKGROUND**

EMCAD filed an application (“Application”) on September 22, 2017 requesting that the corporate and assumed name on its sewer CCN Nos. 21019, 20816, and 20832 be changed to Undine Texas Environmental, LLC. On October 16, 2017, EMCAD filed a supplement to its Application. On November 3, 2017, notice of the Application was published in the *Texas Register*. On November 20, 2017, Staff filed its Recommendation on Final Disposition recommending that, under the Commission’s general authority pursuant to Tex. Water Code §§ 13.041(a) and 13.241 and using 16 Tex. Admin. Code §§ 26.101(d) and (e) as guidelines, the Application for a name change amendment to its sewer CCNs be approved.

**II.**

**PROPOSED NOTICE OF APPROVAL**

The Proposed Notice of Approval (Attachment A) would grant the Application for approval of a name change amendment to EMCAD’s sewer CCNs 21019, 20816, and 20832 in Johnson and Tarrant Counties. This docket was processed in accordance with applicable statutes and Commission rules. Notice of the Application was published pursuant to applicable rules. Applicant and Staff are the only parties to this proceeding. There are no contested issues of law

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or fact in the proceeding. The parties have reviewed and agreed to the attached Proposed Notice of Approval and request that it be adopted.

**III.**

**REQUEST TO ADMIT EVIDENCE**

Staff and EMCAD jointly request that the following documents filed in this docket be admitted into the evidentiary record in this proceeding:

- a. Application to Request Name Change from EMCAD Water and Wastewater, LLC to Undine Texas Environmental, LLC, filed on September 22, 2017;
- b. Undine's Supplement to CCN Name Change Application, filed on October 16, 2017;
- c. Staff's Administrative Completeness Recommendation, filed on October 17, 2017;
- d. Notice of Application for a Name Change Amendment to Certificates of Convenience and Necessity, filed on October 19, 2017;
- e. Acknowledgement of Receipt, filed on October 23, 2017; and
- f. Staff's Recommendation on Final Disposition, filed on November 20, 2017.

**IV.**

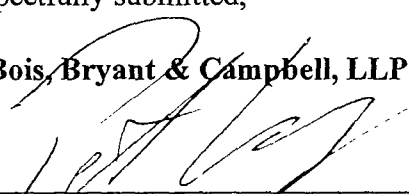
**CONCLUSION**

Staff has indicated to EMCAD that EMCAD is authorized to file this pleading on its behalf. Therefore, the Parties respectfully request that the Commission grant the joint motion to admit the evidence specified above and adopt the attached proposed Notice of Approval.

Respectfully submitted,

**DuBois, Bryant & Campbell, LLP**

By: \_\_\_\_\_

  
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**Attorneys for Undine Texas  
Environmental, LLC**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 6th of December, 2017 in accordance with 16 TAC § 22.74.

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**ATTACHMENT A**

**DOCKET NO. 47641**

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

**PROPOSED NOTICE OF APPROVAL**

This Notice addresses the application (“Application”) of EMCAD Water and Wastewater, LLC’s (“EMCAD”), n/k/a Undine Texas Environmental, LLC (“Undine”), for a name change amendment to its sewer Certificates of Convenience and Necessity (CCN) Nos. 21019, 20816, and 20832. Commission Staff (“Staff”) of the Public Utility Commission of Texas (“Commission”) recommended approval of the Application. The Application is approved.

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

**I.**

**FINDINGS OF FACT**

***Procedural History, Description, and Background***

1. On September 22, 2017, EMCAD filed a Request for Name Change from EMCAD Water and Wastewater, LLC to Undine Texas Environmental, LLC for sewer CCN Nos. 21019, 20816, and 20832 in Johnson and Tarrant Counties, Texas.

2. Undine Texas, LLC acquired control of EMCAD in Docket No. 45745 with an application filed pursuant to 16 Tex. Admin. Code § 24.111 (TAC). In that proceeding, the Commission determined that EMCAD’s parent, Undine Texas, LLC, possesses the financial managerial, and technical capability to provide continuous and adequate service pursuant to Tex. Water Code § 13.241(a) (“TWC”) and 16 TAC § 24.111(b).

3. Undine Texas, LLC changed the name of its subsidiary, EMCAD, to Undine Texas Environmental, LLC with the Texas Secretary of State. In the present proceeding, Undine seeks to amend the certificated name to reflect this change for sewer CCN Nos. 21019, 20816, and 20832.

4. On September 27, 2017, Order No. 1 was issued requiring comments on the administrative completeness of the Application.

5. On October 16, 2017, EMCAD filed a Supplement to CCN Name Change Application, clarifying the intended effect of the transaction.

6. On October 17, 2017, Staff filed its Administrative Completeness Recommendation, recommending that the Application, as amended by the supplement filed on September 27, 2017, be found sufficient.

7. On October 19, 2017, Order No. 2 was issued deeming the amended application administratively complete, the proposed method of notice via the *Texas Register* to be sufficient, and establishing a procedural schedule.

8. On November 20, 2017, Staff filed its Recommendation on Final Disposition, recommending that the Application be approved. Staff recommended that the Application be reviewed under the Commission's general authority over wastewater utility service and CCNs pursuant to TWC §§ 13.041(a) and 13.241.

9. On December 7, 2017, Staff and EMCAD filed a joint request to admit evidence and proposed notice of approval.

10. On December \_\_, 2017, Order No. \_\_ was issued admitting the requested evidence into the record.

Notice

11. As indicated in the Acknowledgement of Receipt filed on October 23, 2017, notice of the Application was published in the *Texas Register* on November 3, 2017.

Informal Disposition

12. Pursuant to the requirements for informal disposition under 16 TAC § 22.35(a), at least 15 days have passed since the completion of notice requirements.

13. No requests to intervene or requests for a hearing were filed in this proceeding and there are no disputed issues of fact; therefore, it is not necessary to hold a hearing on the merits regarding the application.

**II.**

**CONCLUSIONS OF LAW**

1. The Commission has jurisdiction over this matter under Tex. Water Code §§ 13.041(a) and 13.241.

2. EMCAD Water and Wastewater, LLC n/k/a Undine Texas Environmental, LLC is a retail public utility, as defined by TWC § 13.002(19) and 16 Tex. Admin. Code § 24.3(59).

3. Notice of the Application was provided consistent with 16 TAC § 22.55.

4. The Application was processed in accordance with TWC §§ 13.041 and 13.241.

5. Approval of the application is necessary for the service, accommodation, convenience, and safety of the public.

6. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

**III.**

**ORDERING PARAGRAPHS**

The Commission issues the following ordering paragraphs in accordance with these findings of fact and conclusions of law:

1. The Application is approved.
2. Sewer CCN Nos. 21019, 20816, and 20832 are amended to reflect Undine Texas Environmental, LLC as the certificated name.
3. All other motions, requests for entry of specific findings of fact or conclusions of law, and any other requests for general or specific relief, if not expressly granted in this Notice of Approval, are hereby denied.

SIGNED AT AUSTIN, TEXAS, the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Administrative Law Judge