



Control Number: 48151



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PUBLIC UTILITY COMMISSION
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DOCKET NO. 48151

APPLICATION OF BOLIVAR
UTILITY SERVICES, LLC AND
UNDINE TEXAS ENVIRONMENTAL,
LLC FOR SALE, TRANSFER, OR
MERGER OF FACILITIES AND
CERTIFICATES RIGHTS IN
GALVESTON COUNTY

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PUBLIC UTILITY COMMISSION
OF TEXAS

**UNDINE TEXAS ENVIRONMENTAL, LLC'S
RESPONSE TO ORDER NO. 3**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

Undine Texas Environmental, LLC ("Undine") files this Response to Order No. 3. In support thereof, Undine states the following:

**I.
BACKGROUND**

On March 8, 2019, Bolivar Utility Services, LLC ("Bolivar") and Undine (collectively "Applicants") filed with the Public Utility Commission of Texas ("Commission") an application for sale, transfer, or merger of facilities and Certificate of Convenience and Necessity ("CCN") rights in Galveston County, Texas (the "Application").

On June 4, 2018, the ALJ issued Order No. 3 finding that the Application was sufficient, requiring notice, and establishing a procedural schedule. On June 21, the ALJ issued Order No. 4 granting an extension until July 30, 2018 for Undine to file an affidavit attesting to Notice, and on July 30, 2018, the ALJ issued Order No. 5 granting an extension until September 28, 2018 for Undine to file a signed affidavit attesting to notice. Accordingly, this Response is timely filed.

**II.
RESPONSE TO ORDER NO. 3**

Attached as Exhibit A-1 is the notice to customers and landowners, including a confidential list of recipients and affidavit of delivery. Attached as Exhibit A-2 is the notice to neighboring district, systems, cities and counties, including a list of recipients and an affidavit of delivery. Undine will supplement this Response with the Publisher's Affidavit and tear sheets confirming publication upon receipt. Attached as Exhibit B are the maps associated with Undine's application.

Respectfully submitted,

DuBois, Bryant & Campbell, LLP

By: Peter T. Gregg / *with permission*
Peter T. Gregg
State Bar No. 00784174
303 Colorado, Suite 2300
Austin, Texas 78701
pgregg@dbcllp.com
(512) 457-8000
(512) 457-8008 (fax)

**Attorneys for Undine Texas
Environmental, LLC**

CERTIFICATE OF SERVICE

By my signature above, I do hereby certify that a true and correct copy of the foregoing document was served by U.S. Mail and Email on the person indicated below on this the 28th day of September, 2018:

Richard Nemer
Public Utility Commission of Texas
Legal Division
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326
richard.nemer@puc.texas.gov

EXHIBIT A-1

NOTICE TO CUSTOMERS AND LANDOWNERS

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 48151

STATE OF TEXAS COUNTY OF Harris

Undine Texas Environmental, LLC has provided individual notice to the following entities and customers:

Current Customers, Neighboring Utilities, and Affected Parties DATE OF NOTICE September 28, 2018

OATH

I, Carey A. Thomas, being duly sworn, file this form as Senior Vice President (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set for therein are true and correct.

Carey A. Thomas Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its' attorney, a properly verified Power of Attorney must be enclosed.

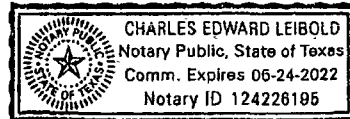
Subscribed and sworn to before me this 28th day of SEPTEMBER, 2018, to certify which witness my hand and seal of office.

Charles E. Leibold Notary Public in and for the State of Texas

CHARLES E. LEIBOLD

Print or Type Name of Notary Public

Commission Expires 5/24/2022



Notice to Current Customers, Neighboring Systems, and Cities
 UNDINE TEXAS ENVIRONMENTAL, LLC'S NOTICE OF INTENT TO PURCHASE
 FACILITIES AND TO TRANSFER SEWER SERVICE AREA UNDER CCN NO. 20126 FROM
 BOLIVAR UTILITY SERVICES, LLC IN GALVESTON COUNTY, TEXAS

To: Current Customers, Neighboring Systems, and Cities Date Mailed: September 28, 2018

<u>Undine Texas Environmental, LLC</u>	<u>10913 Metronome Dr.</u>	<u>Houston, TX</u>	<u>77043</u>
(Purchaser's Name)	(Address)	(City), (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase facilities and to transfer sewer certificated service area under CCN No. 21026, in Galveston County, TX from:

<u>Bolivar Utility Services, LLC</u>	<u>P.O. Box 22858</u>	<u>Beaumont, TX</u>	<u>77720</u>
(Seller'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 and the transfer of the CCN includes the following subdivisions: Laguna Harbor and Crystal Palace.

The requested area subject to this transaction is located approximately 7 miles north of downtown Galveston, Texas, and is generally bounded on the north by East Bay and the Gulf Intercostal Waterway; on the east by a line approx. 1.7 miles east of SH 124; on the south by Gulf of Mexico and on the west by Galveston Bay. The total requested area for the water or sewer CCN(s) being transferred includes approximately 37,468 acres and 702 current customers.

This transaction will have the following effect on the current customers' rates and services: This transaction will not affect the current customer's rates and services.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is 30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer. You must send a letter requesting intervention to the commission which is received by that date.

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.

Si desea información en español, puede llamar al 1-888-782-8477.

Carey A. Thomas
Utility Representative

Undine Texas Environmental, LLC
Utility Name

EXHIBIT A-2

LIST OF RECIPIENTS
(Confidential)

CONFIDENTIAL

DOCKET NO. 48151

STYLE: Application of Bolivar Utility Services, LLC and Undine Texas Environmental
LLC for Sale, Transfer, or Merger of Facilities and Certificates Rights in Galveston County

SUBMITTING PARTY: Undine Texas Environmental, LLC

BRIEF DESCRIPTION OF CONTENTS: Exhibit A-1 - Undine's Response to
Order No. 3

BATE STAMP OR SEQUENTIAL PAGE NUMBER RANGE:

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ENVELOPE # 1 OF 1

ADDITIONAL INFORMATION REQUIRED BY PROTECTIVE ORDER:

DATE SUBMITTED TO COMMISSION: September 28, 2018

EXHIBIT B

MAPS

