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**DOCKET NO: 48151**

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

**PUBLIC UTILITY COMMISSION OF TEXAS**  
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PUBLIC UTILITY COMMISSION OF TEXAS

**ORDER NO. 14  
REQUIRING CLARIFICATION FROM THE PARTIES REGARDING CHAMBERS COUNTY**

In this proceeding, Bolivar Utility Services, LLC and Undine Texas Environmental, LLC seek approval of the sale of what appears to be all of Bolivar’s facilities and certificated area under sewer certificate of convenience and necessity (CCN) number 21026 to Undine and the transfer of CCN number 21026 to Undine. In drafting the Notice of Approval for this transaction, the administrative law judge (ALJ) has detected an issue that requires clarification from the parties.

It appears that Bolivar’s CCN number 21026 covers two counties—Galveston and Chambers—yet the application appears to contemplate only the transfer of certificated area in Galveston County. On the one hand, the application states that Undine is acquiring all of Bolivar’s CCN rights and the new proposed tariff for Undine (provided with the parties’ joint proposed notice of approval) states that it applies in Chambers and Galveston counties. On the other hand, it appears from the map of the proposed CCN number 21026 (also provided with the parties’ joint proposed notice of approval) that none of Chambers County is included within the new CCN number 21026 that is to be issued to Undine.<sup>1</sup> Moreover, the style of this docket, the notices, and the descriptions provided in the application and in the joint proposed notice of approval seem to contemplate a transfer solely of area within Galveston County.

The parties are directed to, by February 27, 2020, file briefing explaining the intent of the parties with respect to Chambers County and the implications as to notice of the application, the need for changes to the joint proposed notice of approval, and so on. For example, if Bolivar is to retain CCN rights in Chambers County, then it would seem that CCN number 21026 cannot be transferred to Undine. Conversely, if all of CCN number 21026, including the part in Chambers

<sup>1</sup> The map also appears to misidentify Chambers County.

County, is being transferred to Undine, then the map may require updating, and other complications may be raised.

Finally, the parties' joint proposed notice of approval did not include an analysis of all the required elements relevant to an application of this nature. By February 27, 2020, the parties must file a new joint proposed notice of approval that addresses all required elements of the application,<sup>2</sup> and that is updated, as appropriate, to address Chambers County.

Signed at Austin, Texas the 6<sup>th</sup> day of February 2020.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
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**HUNTER BURKHALTER**  
**ADMINISTRATIVE LAW JUDGE**

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<sup>2</sup> The parties may use the Notice of Approval recently issued in Docket No. 48896 as an example.