



Control Number: 49169



Item Number: 9

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PUBLIC UTILITY COMMISSION
CLERK

APPLICATION OF UNDINE TEXAS, §
LLC AND UNDINE TEXAS §
ENVIRONMENTAL, LLC FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN BRAZORIA COUNTY §

PUBLIC UTILITY COMMISSION
OF TEXAS

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Commission Staff of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 1, files this Recommendation on Administrative Completeness and Proposed Procedural Schedule. Staff recommends that the application be deemed administratively complete. In support thereof, Staff shows the following:

I. BACKGROUND

On February 4, 2019, Undine Texas Environmental, LLC (UTE) and Undine Texas, LLC (UT) (Collectively, Applicants) filed an application for Sale, Transfer, or Merger of Facilities and Certificate Rights in Brazoria County, Texas. Specifically, the applicants seek to transfer all of UT's facilities and service area under sewer certificate of convenience and necessity number 21106 to UTE. The requested transfer includes approximately 205 acres and 119 current customers. Applicants filed supplemental information on February 19, 2019.

On February 7, 2019, Order No. 1 was issued establishing a deadline of March 6, 2019 for Staff to file a recommendation on the administrative completeness of the application and notice and propose a procedural schedule for further processing of the application. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As supported in the attached memorandum from Spencer English in the Commission's Water Utility Regulation Division, Staff has reviewed the application and supplemental information and recommends that the application be found administratively complete.

III. NOTICE

The Commission's notice requirement for sale, transfer, merger applications are provided by 16 Texas Administrative Code (TAC) § 24.239. Specifically, Staff recommends that Applicants be ordered to provide notice according to the attached memorandum of Spencer English.

IV. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Staff further proposes the following procedural schedule:

Event	Date
Deadline for Applicants to file with the Commission signed affidavits that the notice was given, along with a copy of the notice sent to the affected parties	April 5, 2019
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Applicant filing proof of completed notice with the Commission
Deadline for intervention; deadline for intervenors to request a hearing on the merits	30 days after notice is issued

V. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application be found administratively complete, that Applicants be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted for further processing of this docket.

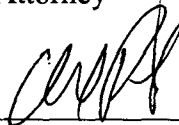
Dated: March 6, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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DOCKET NO. 49169

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 6, 2019, in accordance with 16 TAC § 22.74.



Alexander Petak

PUC Interoffice Memorandum

To: Alexander Petak, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Spencer English, Financial Analyst
Water Utility Regulation Division

Date: March 1, 2019

Subject: **Docket 49169**, *Application of Undine Texas, LLC and Undine Texas Environmental, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Brazoria County*

On February 4, 2019, Undine Texas Environmental, LLC (Purchaser) filed with the Public Utility Commission of Texas (Commission) an application to purchase Undine Texas, LLC, (Seller) (collectively Applicants) and cancel sewer CCN No. 21106 in Brazoria County, Texas pursuant to Texas Water Code Ann. (TWC) §§ 13.242 to 13.250 and the 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

Staff has reviewed the information filed by the Applicants and recommends that the application be deemed sufficient for filing and administratively complete. Staff further recommends the Applicants be ordered to do the following:

- 1) Provide notice of the application to the following:
 - a) cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area;
 - b) the county judge of each county that is wholly or partially included in the requested area;
 - c) each groundwater conservation district that is wholly or partially included in the requested area; and
 - d) any affected customers, and other affected parties in the requested area.

- 2) Provide correct notice of the application to the following entities:
 - Angleton Drainage District
 - Brazoria County Drainage District 5
 - Brazoria County GCD
 - Brazoria County Judge
 - Brazoria County MUD 12
 - Brazoria County MUD 13
 - Brazoria County MUD 14
 - City of Angleton
 - Port Freeport
 - Rancho Isabella MUD
 - West Brazoria County Drainage District

- 3) File in the docket an affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided. It is recommended that the Applicant use the attached notice and affidavit to meet these requirements.

Technical Review

A copy of the wastewater permit transfer form approval letter from the Texas Commission on Environmental Quality (TCEQ) for the requested area was included in the application filing.

Notice to Current Customers, Neighboring Systems, and Cities
UNDINE TEXAS ENVIRONMENTAL, LLC, CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) NO. 20816, NOTICE OF INTENT TO PURCHASE SEWER FACILITIES
AND TO CANCEL UNDINE TEXAS, LLC'S CCN NO. 21106 IN BRAZORIA, TEXAS

To: _____ Date Notice Mailed: _____, 201__
(Name of Customer, Neighboring System, or City)

(Address)

(City State Zip)

Undine Texas Environmental, LLC 17681 Telge Rd, Houston, TX 77429
(Purchaser's Name) (Address) (City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase sewer facilities and to transfer sewer certificated service area under CCN No. 21106, in Brazoria County, TX from:

Undine Texas, LLC 17681 Telge Rd, Houston, TX 77429
(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: Angle Acres and Beechwood Subdivisions

The requested area subject to this transaction is located approximately 2 miles east of downtown Angleton, TX, and is generally bounded on the north by E. Kiber Street; on the east by FM 523; on the south by Fort Road (CR 233); and on the west by Jamison Road (CR 428). The requested area includes approximately 25 total acres and 22 current customers.

The requested area subject to this transaction is located approximately 3.5 miles north of downtown Angleton, TX, and is generally bounded on the north by FM 45; on the east by SH 288 Business; on the south by CR 229; and on the west by FM 521. The requested area includes approximately 180 total acres and 97 current customers

A copy of the map showing the affected area is available at: 17681 Telge Rd, Houston, TX 77429

This transaction will have the following effect on the current customers' rates and services:
All of the customers will be charged the same rates they were charged before the transaction.

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.

Utility Representative

Utility Name

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 49169

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual
notice to the following entities and customers:

DATE OF NOTICE

OATH

I, _____, being duly sworn, file this form as
_____ (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.

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 _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____