



Control Number: 49260



Item Number: 29

Addendum StartPage: 0

**DOCKET NO. 49260**

**APPLICATION OF TEXAS WATER  
SYSTEMS, INC. AND UNDINE TEXAS,  
LLC FOR SALE, TRANSFER, OR  
MERGER OF FACILITIES AND  
CERTIFICATE RIGHTS IN GREGG,  
HENDERSON, LIMESTONE, SMITH  
AND UPSHUR COUNTIES**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

2019 AUG -1 PM 4:02  
FILING CLERK

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

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

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

**I. BACKGROUND**

On February 25, 2019 Undine and Texas Water Systems, Inc. (collectively, "Applicants") filed an application for Sale, Transfer, or Merger of facilities and certificate rights in Gregg, Henderson, Limestone, Smith and Upshur Counties, Texas.

On April 10, 2019, Commission Staff filed its Recommendation on Administrative Completeness and Proposed Procedural Schedule. On April 11, 2019, the Administrative Law Judge issued Order No. 3 finding the Application incomplete and deficient for the reasons specified in the memorandum of Debbie Reyes, a Program Specialist in the Commission Water Utilities Regulation Division. Order No. 5 was issued on June 13, 2019 granting Undine's request for extension. Undine was given until July 12, 2019 to cure the identified deficiencies in the application. The Applicants became aware of the need for this supplement pursuant to a discussion with Commission Staff yesterday, August 1, 2019.

## **II. SUPPLEMENTAL APPLICATION INFORMATION**

Undine hereby files the following supplemental information in response to Order No. 3:

### **MAPPING INFORMATION:**

#### **Commission Staff Request:**

The Applicant must submit the following items to resolve the mapping deficiencies:

- A general location map identifying only the requested areas to be transferred and amended, in reference to the nearest county boundary, city, or town.
- A detailed map identifying only the requested areas to be transferred and amended, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Digital mapping data for the requested areas, as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet).
- Include the approximate total acreage for the revised requested areas.

#### **Response:**

See Exhibit A for the general location maps.

See Exhibit B for the detailed maps identifying only the requested areas to be transferred and amended.

See Exhibit C for the current customers "Point of Service" maps.

See the attached CD for the requested digital mapping data. The CD also includes certain pdfs of the hard-copy submittals.

See Exhibit D for the total acres for the revised requested areas. The total acreage across all areas is approximately 10,341.

See Exhibit E for the notice descriptions.

Respectfully submitted,

**DuBois, Bryant & Campbell, LLP**

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

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Austin, Texas 78701  
[pgregg@dbcllp.com](mailto:pgregg@dbcllp.com)  
(512) 457-8000  
(512) 457-8008 (fax)

**Attorneys for Undine Texas, LLC**

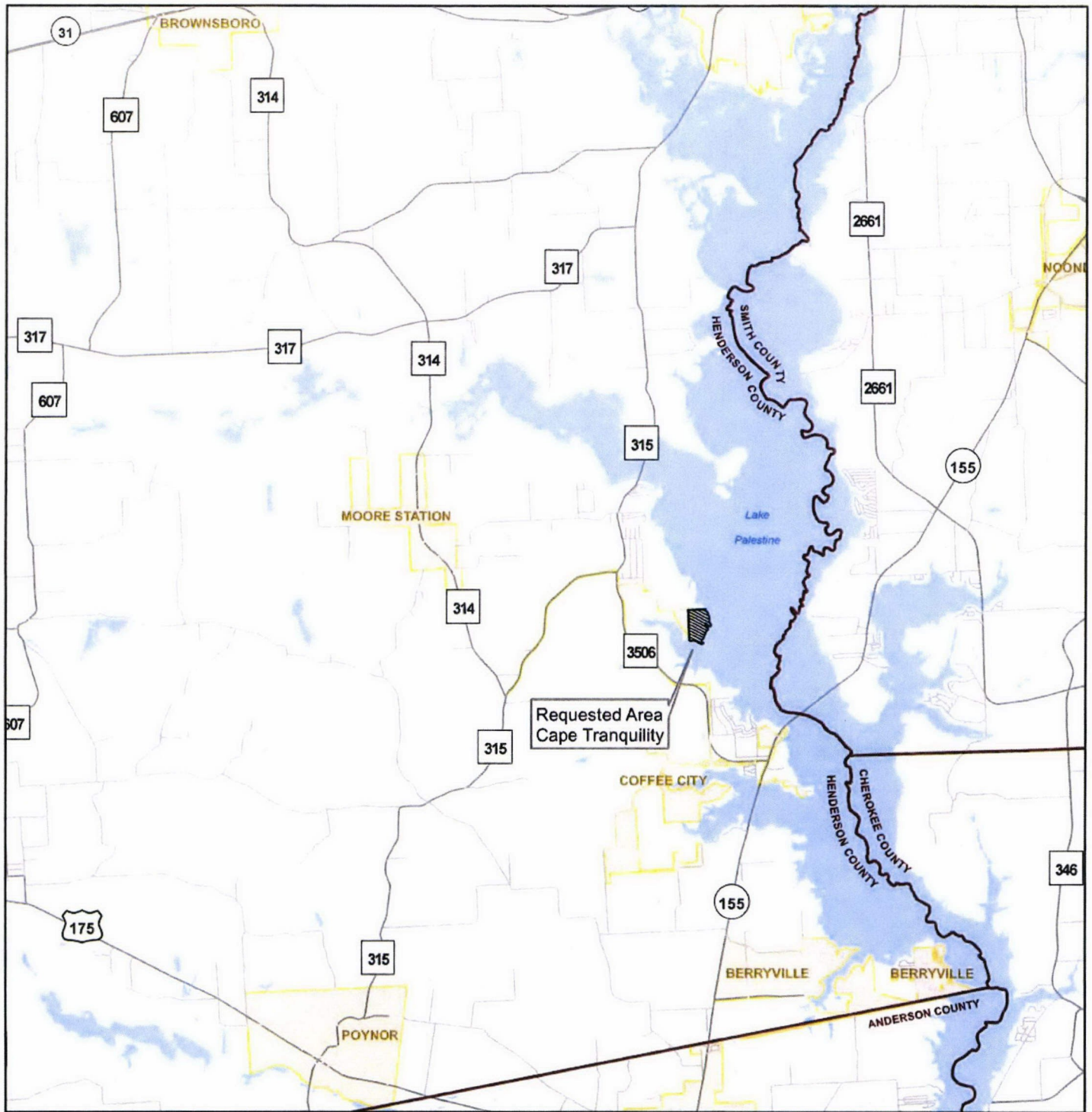
**CERTIFICATE OF SERVICE**

I certify by my signature above that a true and correct copy of the foregoing document was served on the persons as indicated below on this the 1<sup>st</sup> day of August, 2019:

Alexander Petak  
Public Utility Commission of Texas  
Legal Division  
1701 N. Congress Avenue  
P. O. Box 13326  
Austin, Texas 78711-3326  
[alexander.petak@puc.texas.gov](mailto:alexander.petak@puc.texas.gov)




**EXHIBIT A**  
**GENERAL LOCATION MAPS**



### General Location in Henderson County

Undine Texas, LLC  
 Application to Transfer a Portion of Texas Water Systems Inc., CCN No. 12473 to Undine Texas, LLC, CCN No. 13260  
 and to Amend Portions of CCN 12473 to be Transferred  
 in Gregg, Henderson, Smith and Upshur Counties

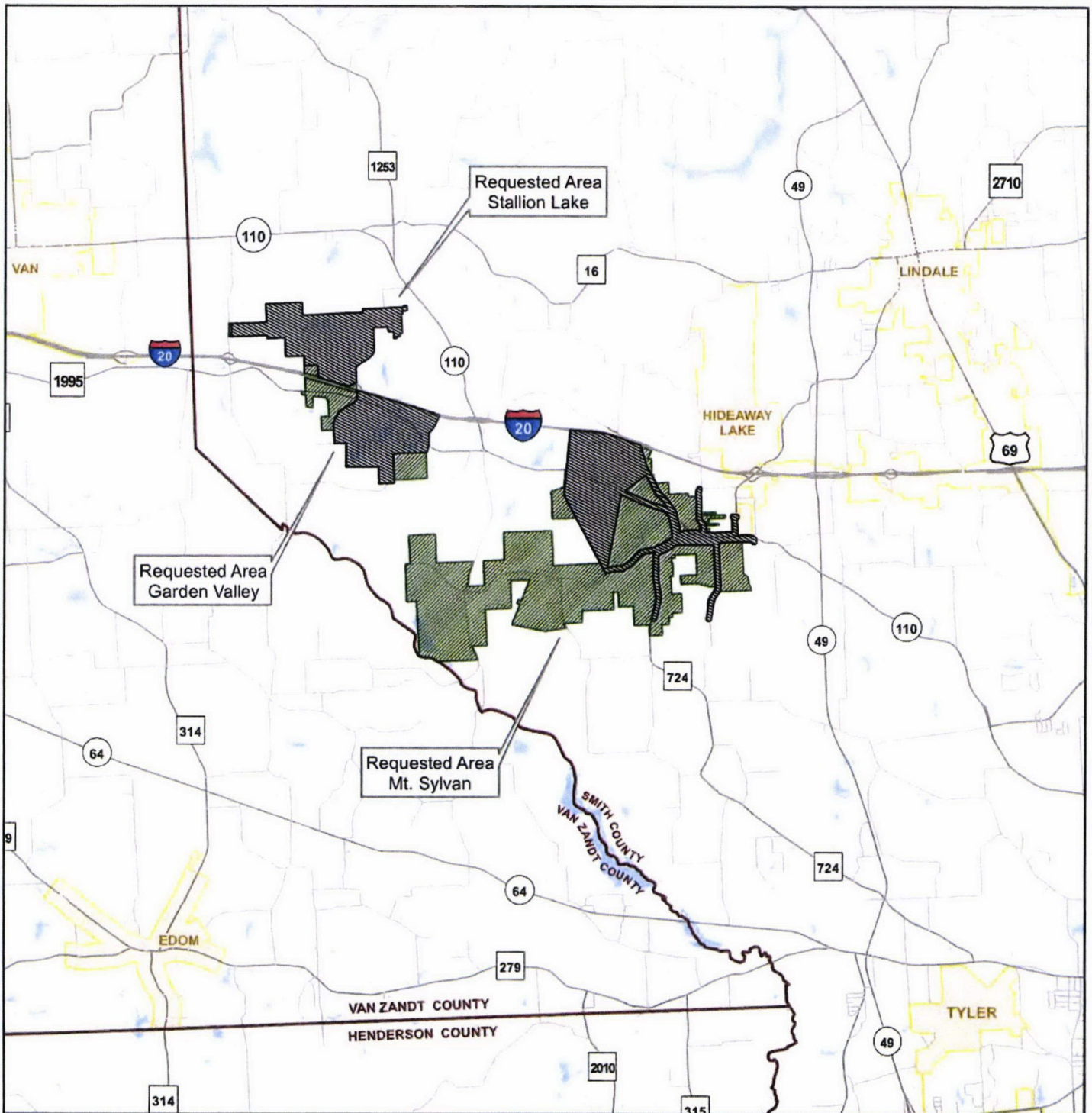
#### Requested Water Service Area to Transfer

 CCN 12473 - Texas Water Systems, Inc.



0 1 2  
 Miles

Map by: S. Burt, ASBGI  
 Date: June 28, 2019  
 Base: TxDOT 2015 Roadways  
 Project: General Location Henderson.mxd



### General Location in Smith County - REVISED

Undine Texas, LLC  
 Application to Transfer a Portion of Texas Water Systems Inc., CCN No. 12473 to Undine Texas, LLC, CCN No. 13260  
 and to Amend Portions of CCN 12473 to be Transferred  
 in Gregg, Henderson, Smith and Upshur Counties

#### Requested Water Service Area to Transfer and Amend

- CCN 12473 - Texas Water Systems, Inc.
- Water Amendment Areas

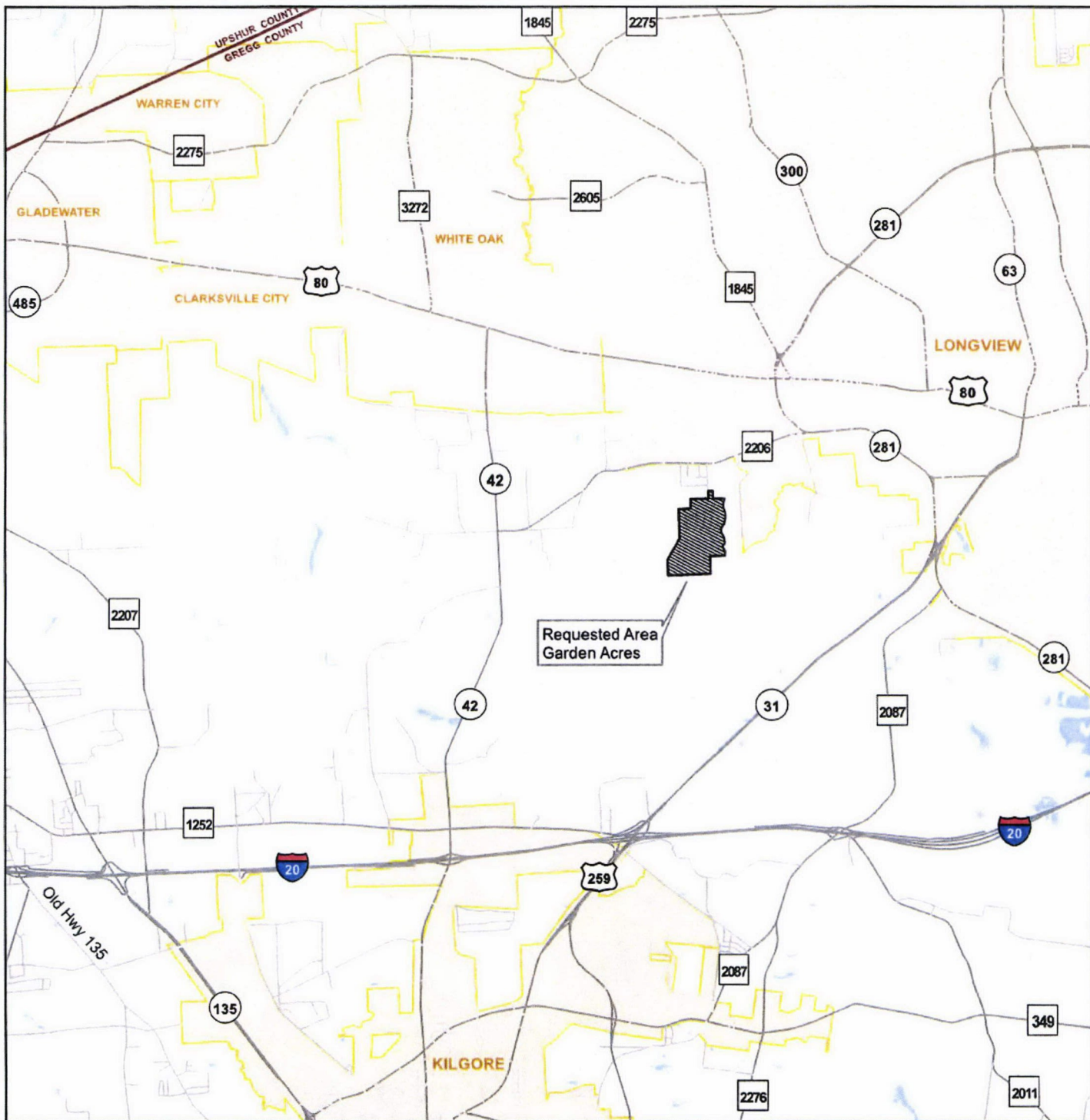
Map by: S. Burt, ASBGI

Date: June 28, 2019

Base: TxDOT 2015 Roadways

Project: General Location Smith.mxd





### General Location in Gregg County

Undine Texas, LLC  
 Application to Transfer a Portion of Texas Water Systems Inc., CCN No. 12473 to Undine Texas, LLC, CCN No. 13260  
 and to Amend Portions of CCN 12473 to be Transferred  
 in Gregg, Henderson, Smith and Upshur Counties

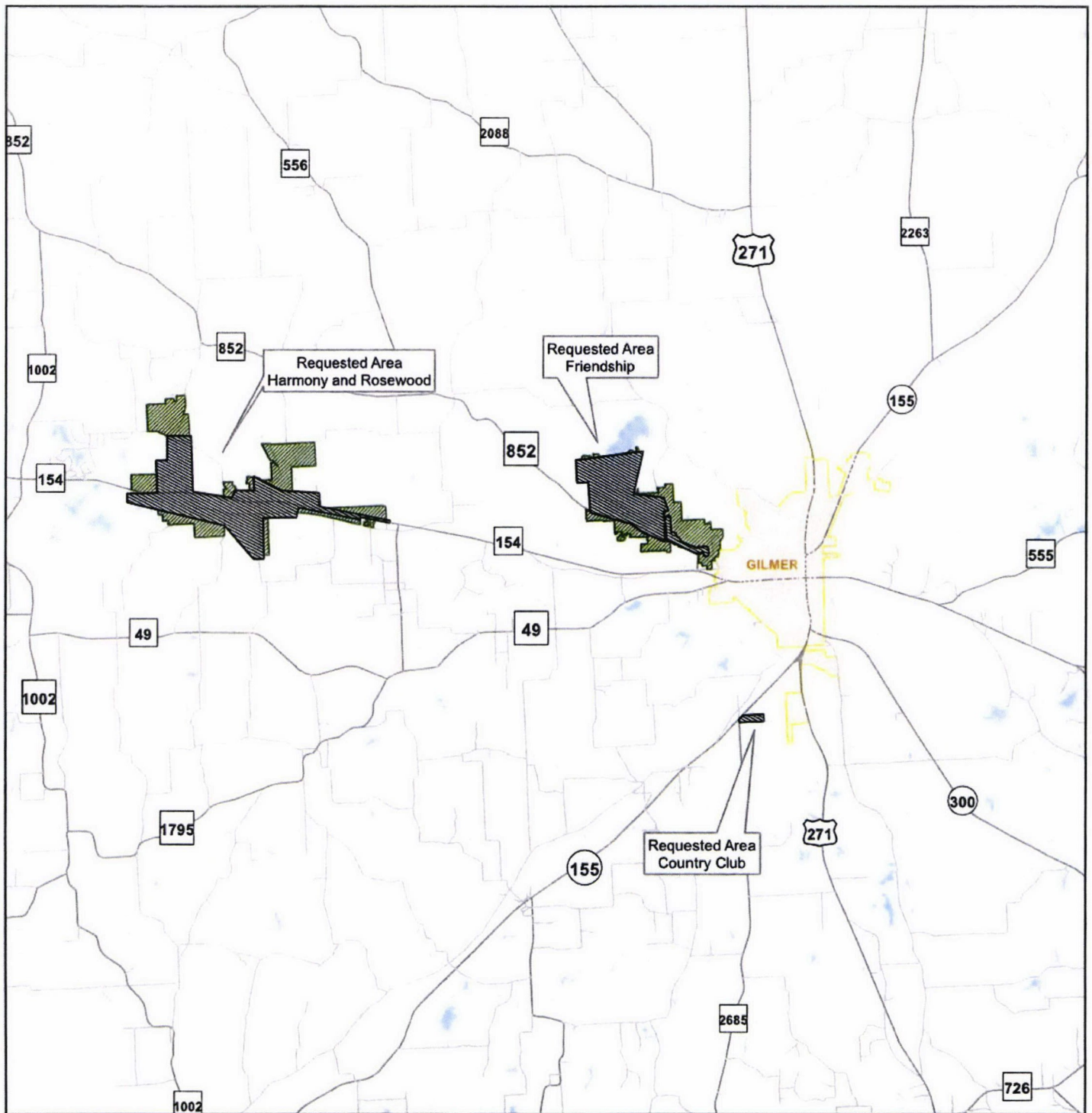


0 0.75 1.5  
 Miles

#### Requested Water Service Area to Transfer

 CCN 12473 - Texas Water Systems, Inc.

Map by: S. Burt, ASBGI  
 Date: June 28, 2019  
 Base: TxDOT 2015 Roadways  
 Project: General Location Gregg.mxd



### General Location in Upshur County - REVISED

Undine Texas, LLC  
 Application to Transfer a Portion of Texas Water Systems Inc., CCN No. 12473 to Undine Texas, LLC, CCN No. 13260  
 and to Amend Portions of CCN 12473 to be Transferred  
 in Gregg, Henderson, Smith and Upshur Counties

#### Requested Water Service Areas to Transfer and Amend

- CCN 12473 - Texas Water Systems, Inc.
- Water Amendment Areas

Map by: S. Burt, ASBGI

Date: June 28, 2019

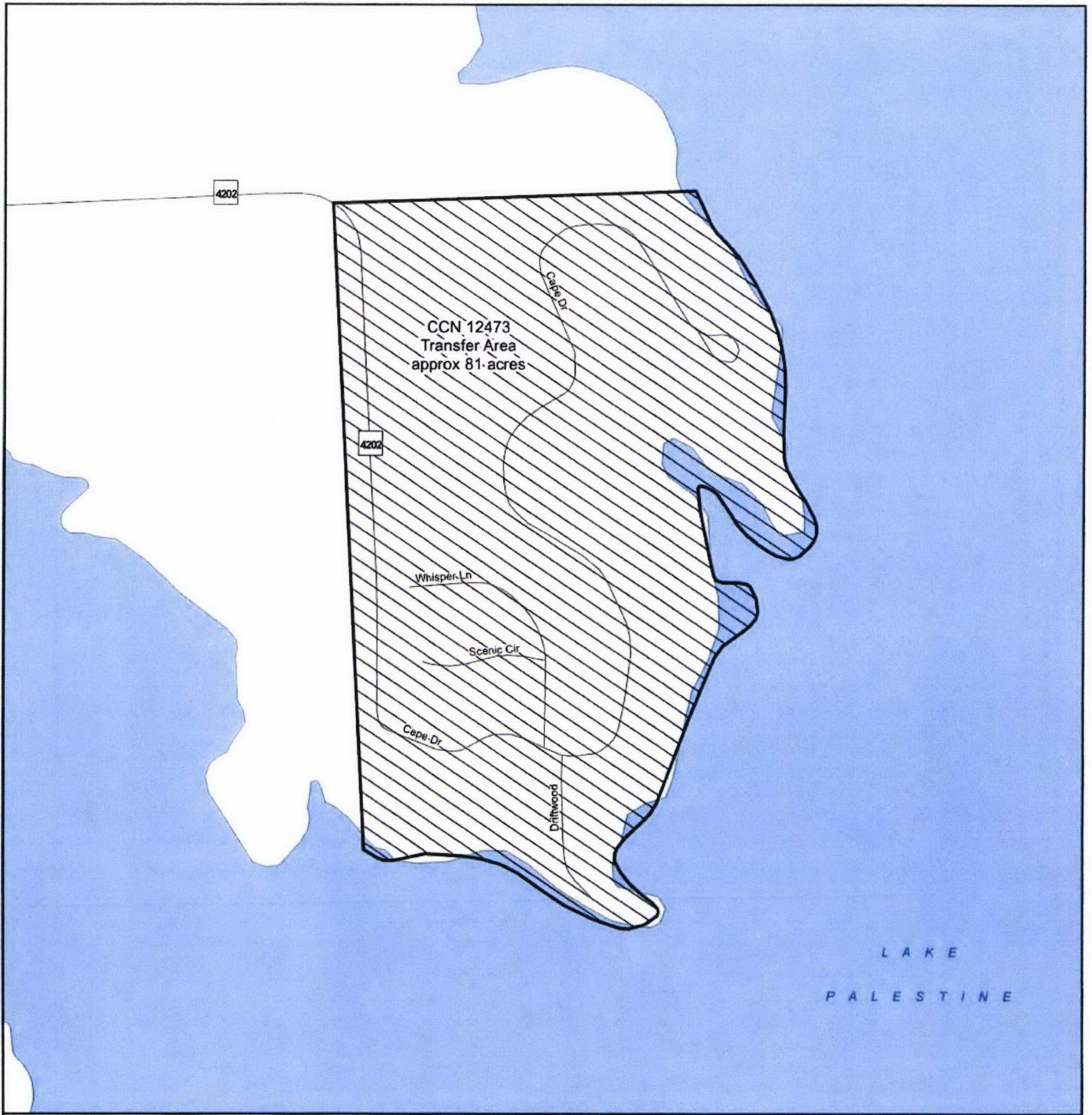
Base: TxDOT 2015 Roadways

Project: General Location Upshur.mxd

0 1 2  
Miles

**EXHIBIT B**  
**TRANSFERRED AND AMENDED**  
**DETAILED MAPS**





### Cape Tranquility in Henderson County

Undine Texas, LLC

Application to Transfer a Portion of Texas Water Systems Inc., CCN No. 12473 to Undine Texas, LLC, CCN No. 13260  
and to Amend Portions of CCN 12473 to be Transferred  
in Gregg, Henderson, Smith and Upshur Counties



Water CCN Area to Transfer



CCN 12473 - Texas Water Systems, Inc. - approx 81 acres

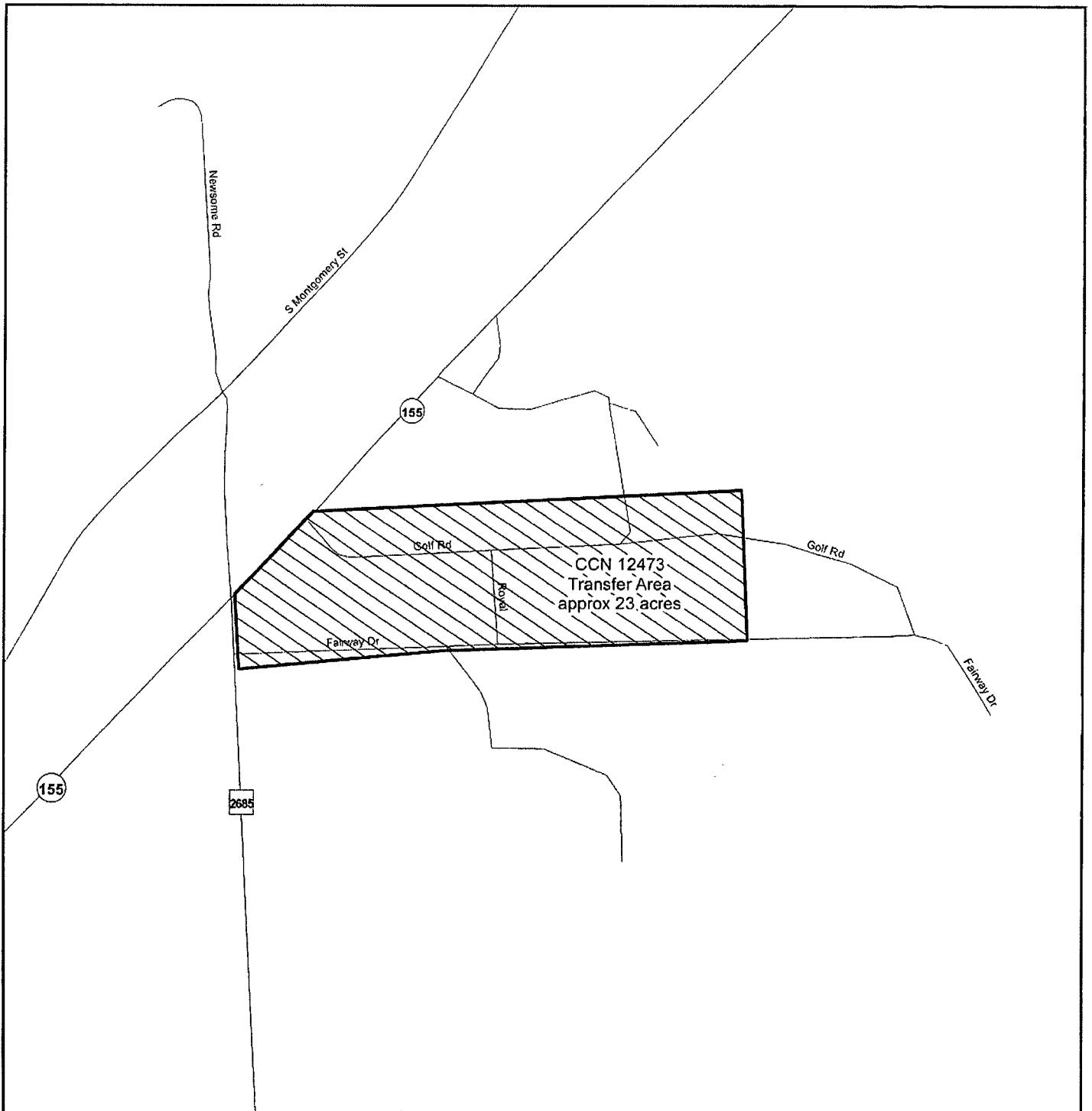
0 250 500  
Feet

Map by: S. Burt, ASBGI

Date: July 8, 2019

Base: StratMapTransv2

Project: CapeTranquility\_HendersonCounty.mxd



### Country Club in Upshur County

Undine Texas, LLC  
Application to Transfer a Portion of Texas Water Systems Inc., CCN No. 12473 to Undine Texas, LLC, CCN No. 13260  
and to Amend Portions of CCN 12473 to be Transferred  
in Gregg, Henderson, Smith and Upshur Counties

N  
↑

Water CCN Area to Transfer

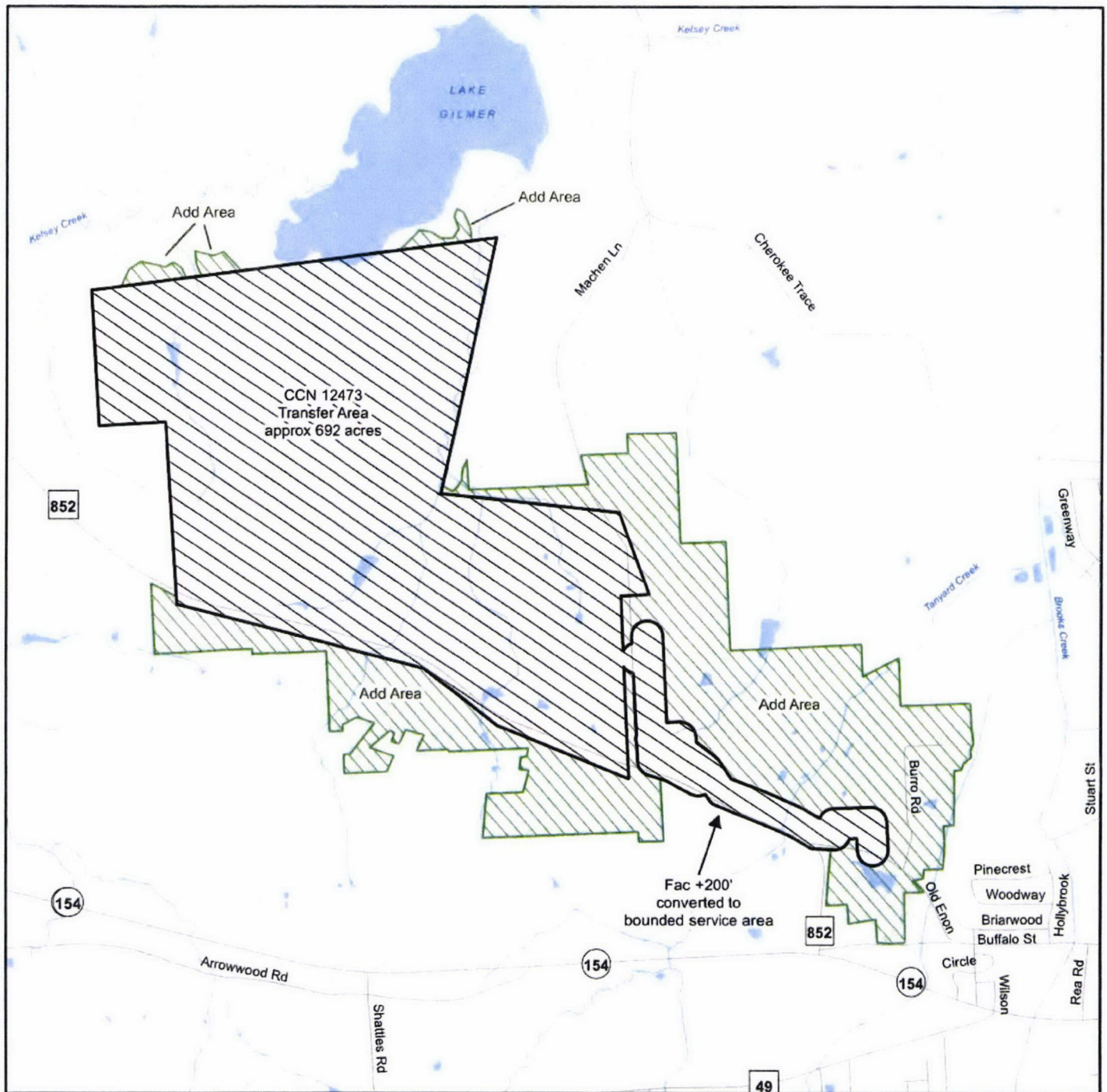


CCN 12473 - Texas Water Systems, Inc. - approx 23 acres

0 250 500  
Feet

Map by: S. Burt, ASBGI  
Date: July 8, 2019  
Base: StratMapTransv2  
Project: CountryClub\_UpshurCounty.mxd







### Friendship in Upshur County - REVISED

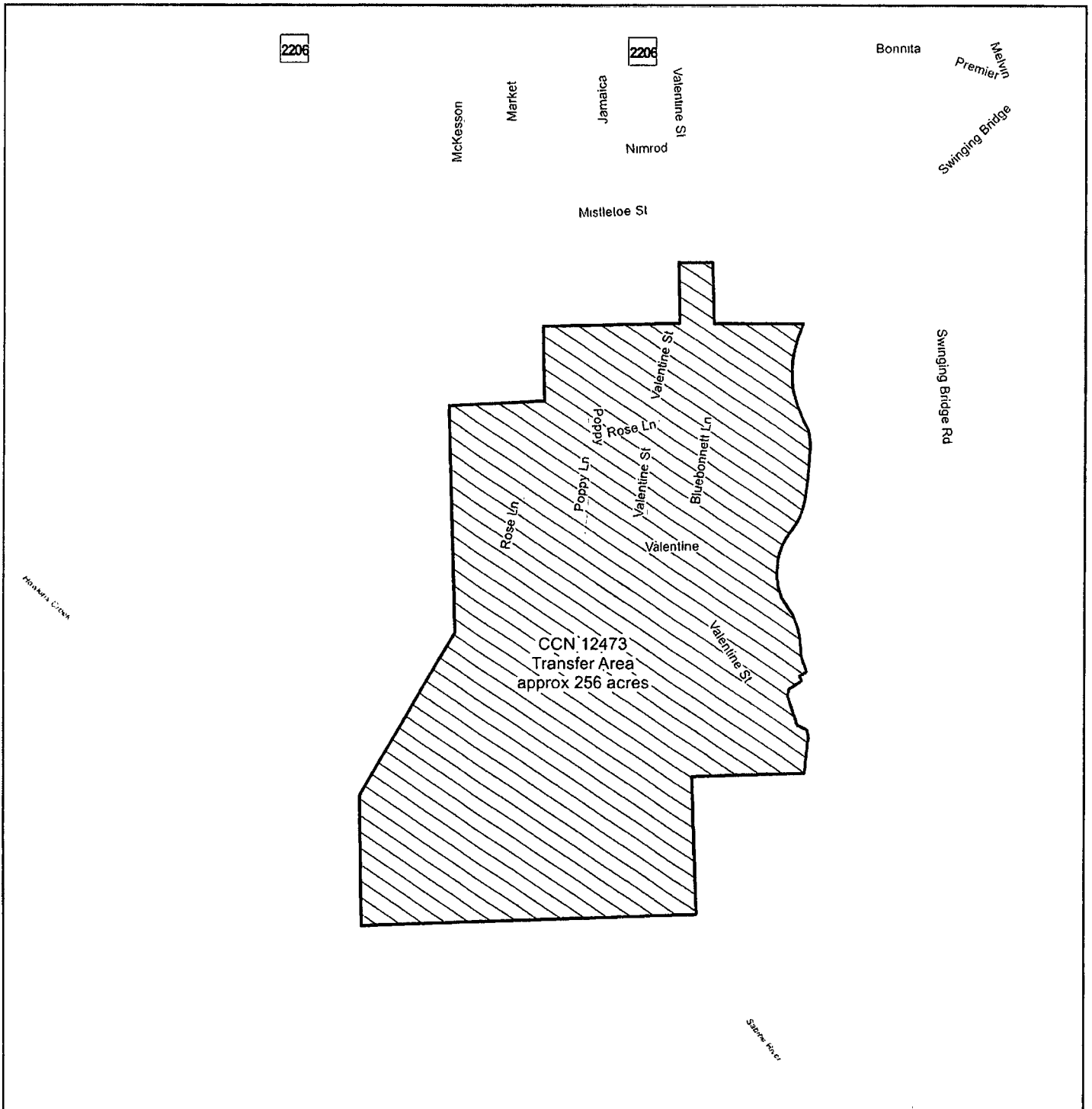
Undine Texas, LLC  
 Application to Transfer a Portion of Texas Water Systems Inc., CCN No. 12473 to Undine Texas, LLC, CCN No. 13260  
 and to Amend Portions of CCN 12473 to be Transferred  
 in Gregg, Henderson, Smith and Upshur Counties

#### Water CCN Areas to Transfer and Amend

-  CCN 12473 - Texas Water Systems, Inc. - approx 692 acres
-  Water Amendment Areas - approx 397 acres



0 900 1,800  
 Feet




### Garden Acres in Gregg County

Undine Texas, LLC  
 Application to Transfer a Portion of Texas Water Systems Inc., CCN No. 12473 to Undine Texas, LLC, CCN No. 13260  
 and to Amend Portions of CCN 12473 to be Transferred  
 in Gregg, Henderson, Smith and Upshur Counties

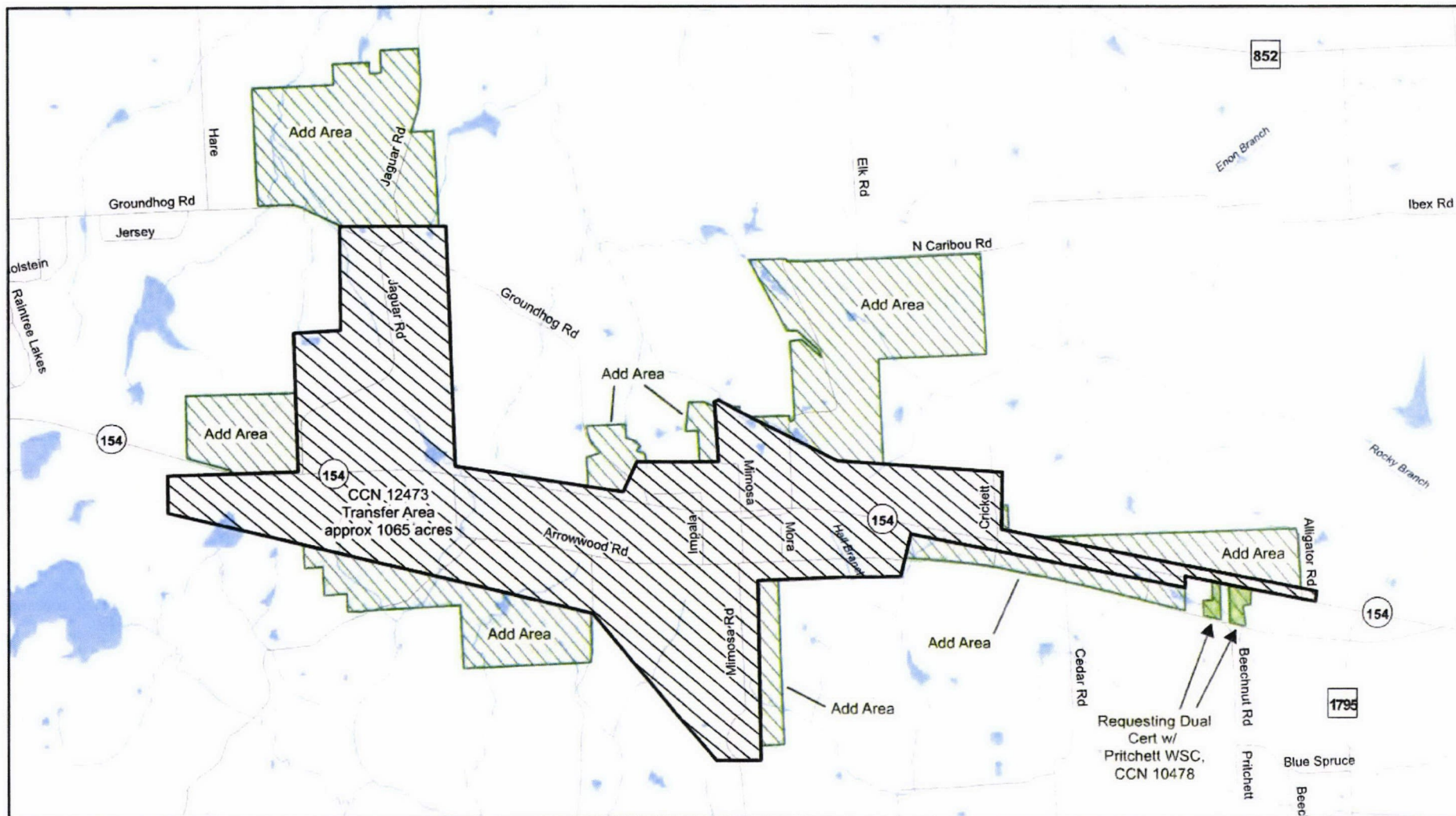
N

Water CCN Area to Transfer

 CCN 12473 - Texas Water Systems, Inc. - approx 256 acres

0 500 1,000  
 Feet




Map by: S. Burt, ASBGI  
 Date: July 8, 2019  
 Base: TxDOT 2015 Roadways  
 Project: GardenAcres\_GreggCounty.mxd

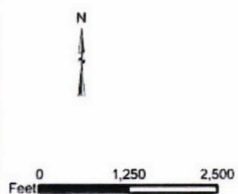


### Harmony and Rosewood in Upshur County - REVISED

Undine Texas, LLC  
 Application to Transfer a Portion of Texas Water Systems Inc., CCN No. 12473 to Undine Texas, LLC, CCN No. 13260  
 and to Amend Portions of CCN 12473 to be Transferred  
 in Gregg, Henderson, Smith and Upshur Counties

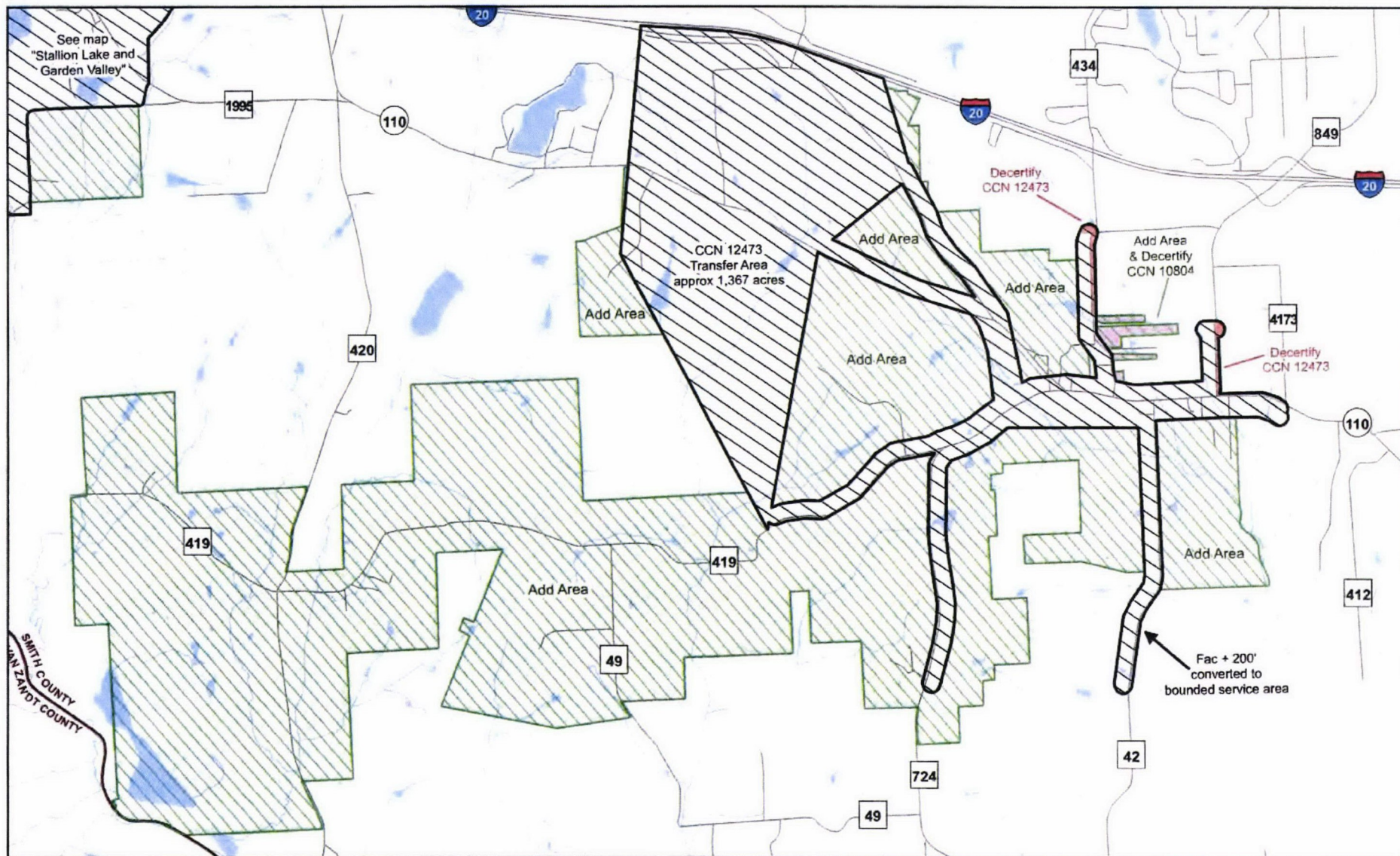
#### Water CCN Areas to Transfer and Amend

-  CCN 12473 - Texas Water Systems, Inc. - approx 1,065 acres
-  Water Amendment Areas - approx 739 acres
-  Requesting Dual Certification w/ Pritchett WSC, CCN 10478 - approx 8 acres



Map by: S. Burt, ASBGI  
 Date: July 8, 2019  
 Base: StratMapTransv2  
 Project: Harmony\_Rosewood\_UpshurCounty\_REVISED.mxd





### Mt. Sylvan in Smith County - REVISED

Undine Texas, LLC

Application to Transfer a Portion of Texas Water Systems Inc., CCN No. 12473 to Undine Texas, LLC, CCN No. 13260  
and to Amend Portions of CCN 12473 to be Transferred  
in Gregg, Henderson, Smith and Upshur Counties

#### Water CCN Area to Amend

- Water Amendment Areas - approx 3,640 acres
- Requesting to Decertify Crystal Systems, CCN 10804 - approx 21 acres

#### Water CCN Area to Transfer

- CCN 12473 - Texas Water Systems, Inc. - approx 1,367 acres
- Decertify Texas Water Systems, CCN 12473 - approx 12 acres

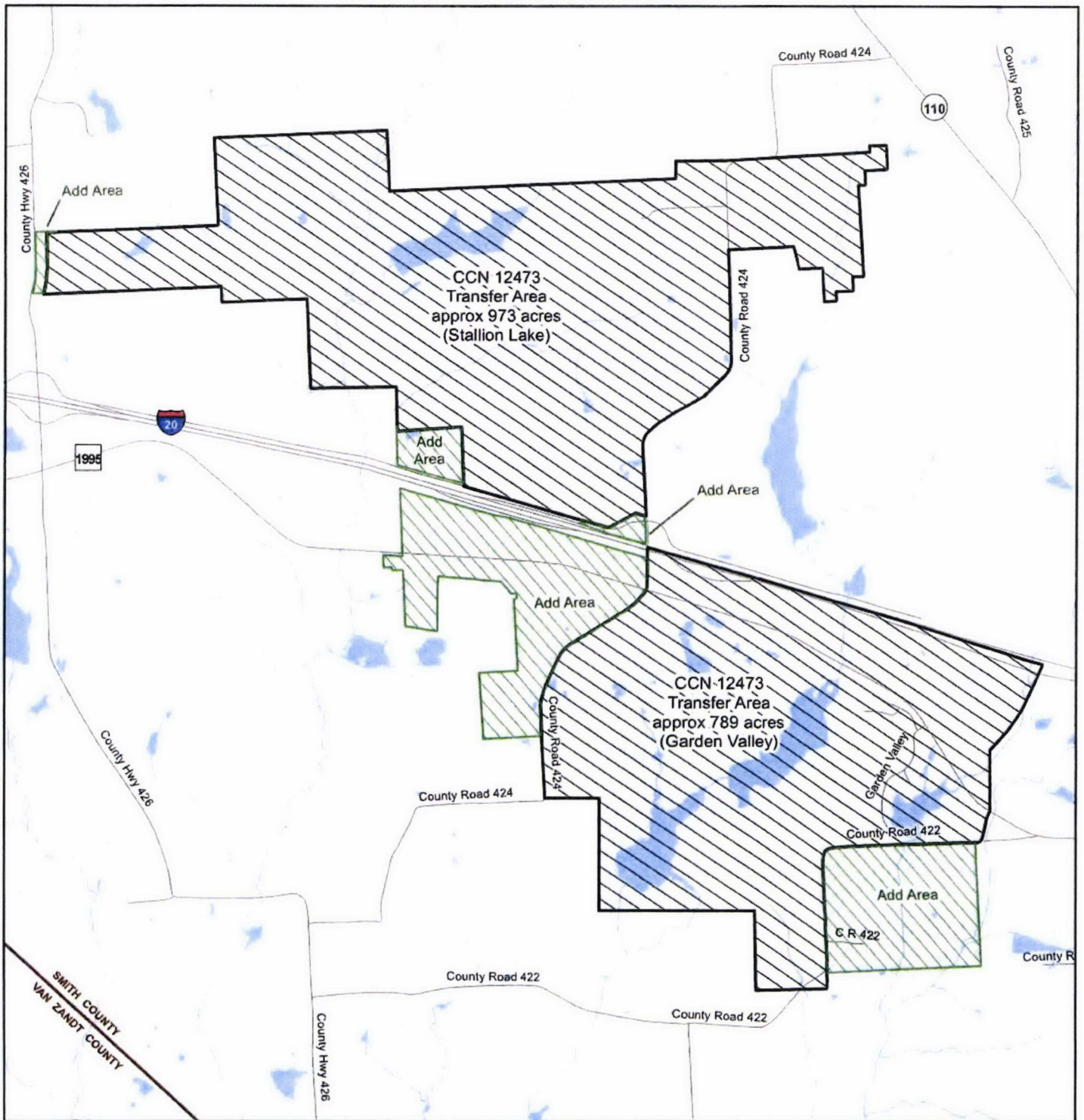
Map by: S. Burt, ASBG1

Date: July 8, 2019

Base: StratMapTransv2

Project: Mt Sylvan\_SmithCounty\_REVISED.mxd







### Stallion Lake and Garden Valley in Smith County - REVISED

Undine Texas, LLC  
 Application to Transfer a Portion of Texas Water Systems Inc., CCN No. 12473 to Undine Texas, LLC, CCN No. 13260  
 and to Amend Portions of CCN 12473 to be Transferred  
 in Gregg, Henderson, Smith and Upshur Counties

#### Water CCN Areas to Transfer and Amend

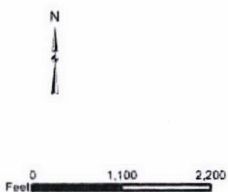
-  CCN 12473 - Texas Water Systems, Inc. - approx 1,762 acres
-  Water Amendment Areas - approx 319 acres

Map by: S. Burt, ASBGI

Date: July 8, 2019

Base: StratMapTransv2

Project: StallionLake\_GardenValley\_SmithCounty\_REVISED.mxd



**EXHIBIT C**

**“POINTS OF SERVICE” MAPS**



# Friendship Upshur County

## Current Customers' "Point of Service" Correcting CCN to Include Existing Customers and Infrastructure

The requested water amendment areas were generated using Upshur County parcel data. Those areas include:

1. Parcels of existing customers located outside or partially outside existing CCN 12473.
2. Parcels located partially within existing CCN 12473, being requested in their entirety. (Larger parcels excluded).
3. Parcels located along distribution lines.

The existing Facilities + 200 feet service area for CCN 12473 were converted to a bounded service area by applying a buffer of 200 feet from all points of the facility lines.

CCN 12473  
Transfer Area  
approx 692 acres

Madison Ln

Cherokee Trace

Greenway

Stuart St

Pincrest

Woodway

Brianwood

Buffalo St

Old Esplan

Circle

W. Rd

Hollybrook

Rd

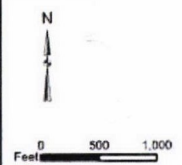
652

154

154

154

Arrowwood Rd



- Legend**
- Friendship Customers' Point of Service
  - ▨ CCN 12473 Transfer Area - approx 692 acres
  - Water Amendment Areas - approx 397 acres
  - Land Parcels - Upshur County

**Harmony and Rosewood  
Upshur County**

**Current Customers' "Point of Service"  
Correcting CCN to Include Existing Customers and Infrastructure**

The requested water amendment areas were generated using Upshur County parcel data. Those areas include:

1. Parcels of existing customers located outside or partially outside existing CCN 12473.
2. Parcels located partially within existing CCN 12473, being requested in their entirety. (Larger parcels excluded.)
3. Parcels located along distribution lines.
4. Three parcels for two current customers located within Pritchett WSC, CCN 10478 for which dual CCN certification is being requested.

Map Labels: Haze Rd, Groundhog Rd, Jaguar Rd, CCN 12473 Transfer Area approx 1,065 acres, Arrowwood Rd, Beechwood Rd, Cedar Rd, Nutmeg Rd, Pecan Rd, N Caribou Rd, Elm Rd, 154, N

**Legend**

- Harmony Customers' Point of Service
- Rosewood Customers' Point of Service
- ▨ CCN 12473 Transfer Area - approx 1,065 acres
- Water Amendment Areas - approx 738 acres
- Requesting Dual Certification w/ CCN 10478
- Land Parcels - Upshur County

0 750 1,500 Feet

The requested water amendment areas were generated using Upshur County parcel data. Those areas include:

1. Parcels of existing customers located outside or partially outside existing CCN 12473.
2. Parcels located partially within existing CCN 12473, being requested in their entirety. (Larger parcels excluded.)
3. Parcels located along distribution lines.
4. Three parcels for two current customers located within Pritchett WSC, CCN 10478 for which dual CCN certification is being requested.



# **Current Customers' "Point of Service"** **Correcting CCN to Include Existing Customers and Infrastructure**

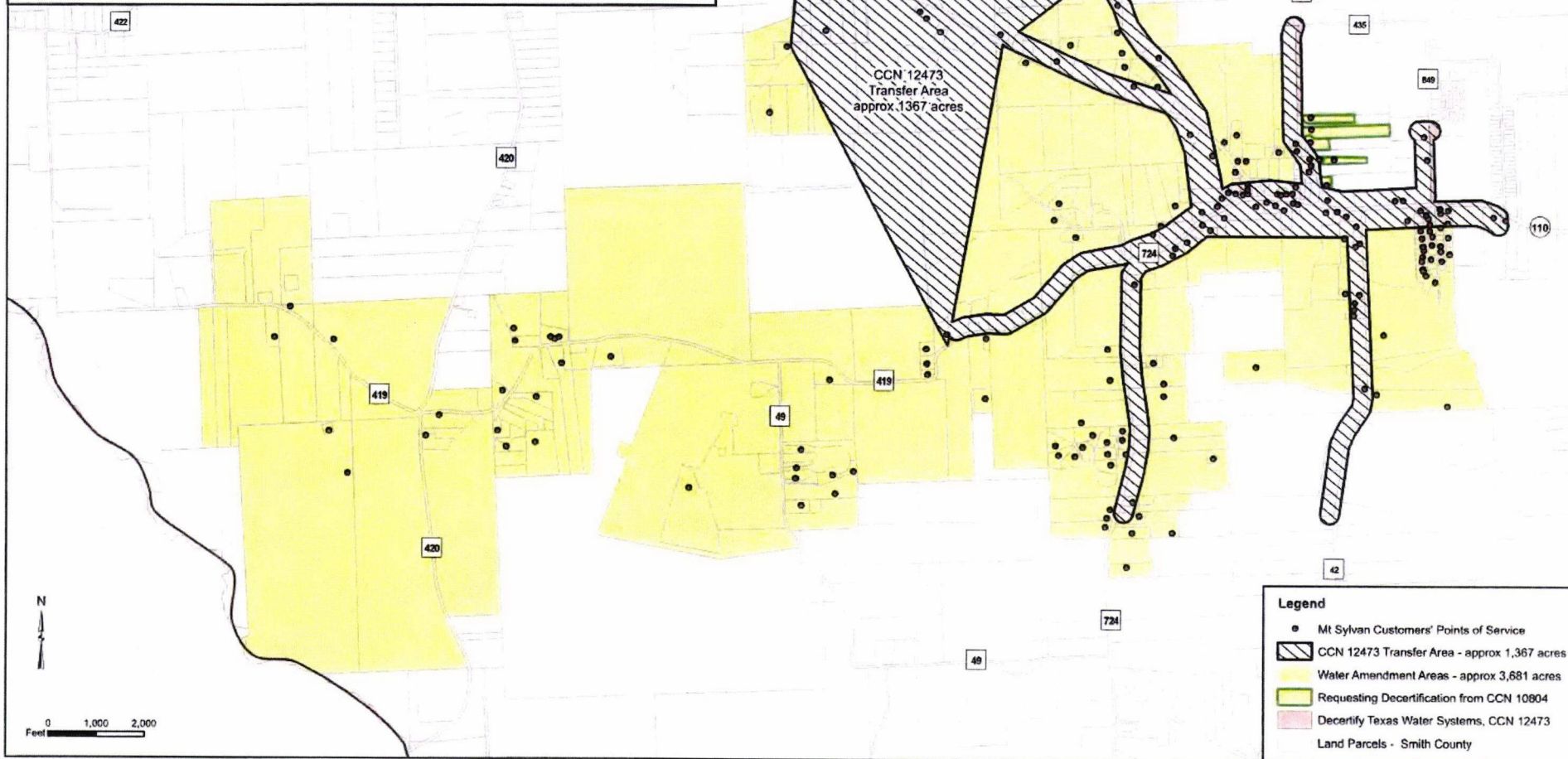
The requested water amendment areas were generated using Smith County parcel data.

Those areas include:

1. Parcels of existing customers located outside or partially outside existing CCN 12473.
2. Parcels located partially within existing CCN 12473, being requested in their entirety. (Larger parcels excluded).
3. Parcels located along distribution lines.
4. Portions of 7 parcels for six customers located within Crystal Systems Texas, Inc., CCN 10804, for which decertification is being requested.
5. Portions of existing CCN 12473 are being decertified. These areas are currently dually certified with Crystal Systems and there are no customers.

The existing Facilities + 200 feet service areas for CCN 12473 were converted to a bounded service area by applying a buffer of 200 feet from all points of the facility lines.

**Mt. Sylvan  
Smith County**

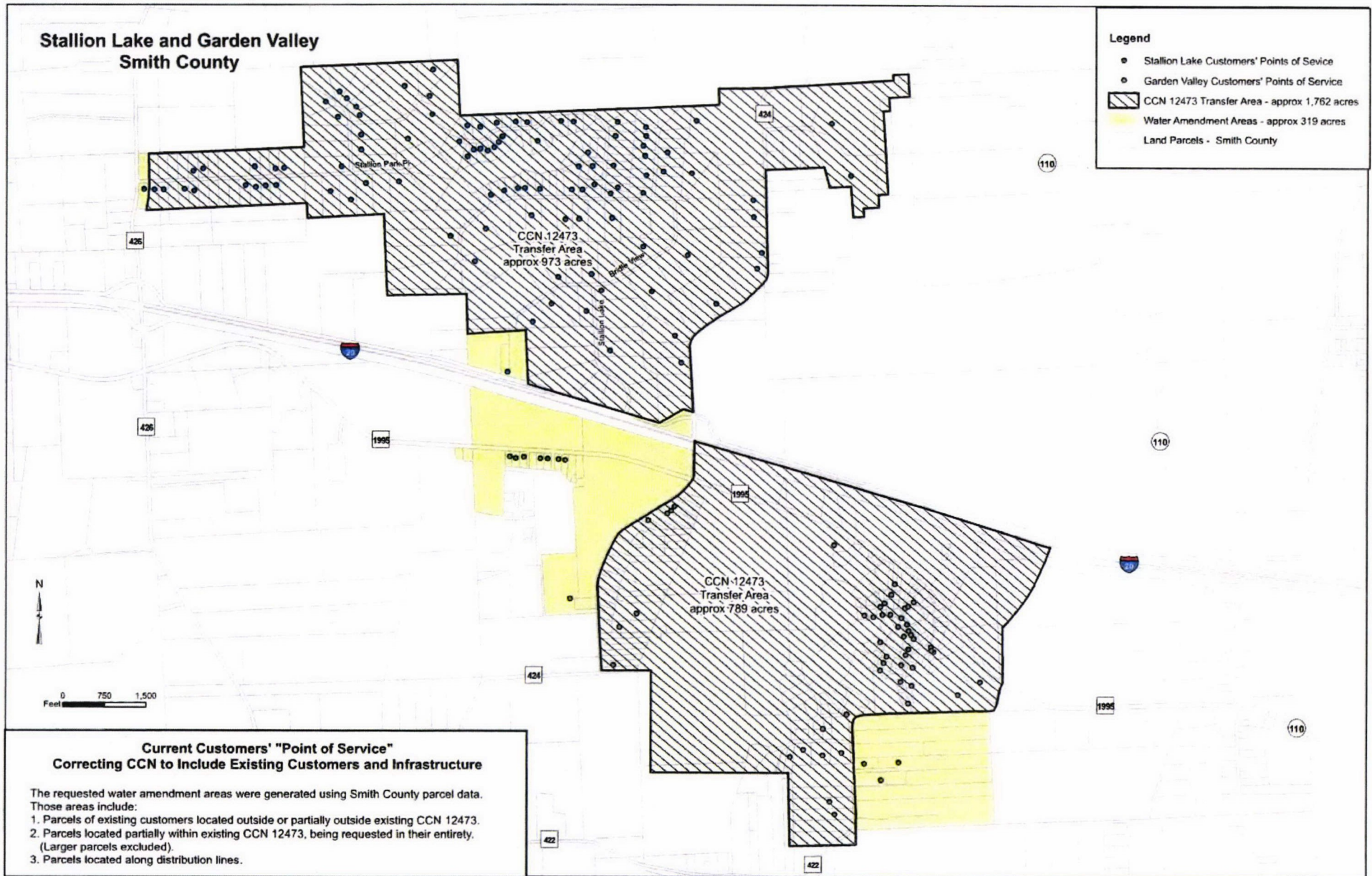




# **Stallion Lake and Garden Valley Smith County**

## **Legend**

- Stallion Lake Customers' Points of Service
- Garden Valley Customers' Points of Service
- ▨ CCN 12473 Transfer Area - approx 1,762 acres
- Water Amendment Areas - approx 319 acres
- Land Parcels - Smith County



**EXHIBIT D**  
**TOTAL ACRES**

## Undine Texas, LLC – Texas Water Systems, Inc., CCN 12473

### Requested Area Overlaps

#### Cape Tranquility - approx. 81 acres in requested area

County	Henderson
CCN	None
City	Coffee City
ETJ	Coffee City
Districts	none
GCD	Neches & Trinity Valleys GCD

#### Country Club – approx. 23 acres in requested area

County	Upshur
CCN	Pritchett WSC, CCN 10478 (dually certified)
City	none
ETJ	none
Districts	Upper Sabine Valley SWMD
GCD	none

#### Friendship – approx. 1090 acres in requested area

County	Upshur
CCN	None
City	none
ETJ	Gilmer
Districts	Upper Sabine Valley SWMD
GCD	none

#### Garden Acres – approx. 256 acres in requested area

County	Gregg
CCN	none
City	None
ETJ	Longview
District	Sabine River Authority
GCD	none

#### Harmony and Rosewood – approx. 1804 acres in requested area

County	Upshur
CCN	Pritchett WSC, CCN 10478 – requesting dual certification to 8 acres
City	None
ETJ	none
District	Upper Sabine Valley SWMD
GCD	none

Mt. Sylvan – approx. 5006 acres in requested area

County	Smith
CCN	Crystal Systems Inc. CCN 10804 – requesting decertification to 21 acres
City	Lindale (partially within existing CCN 12473)
ETJ	Lindale
District	Sabine River Authority
GCD	none

Stallion Lake and Garden Valley – approx. 2081 acres in requested area

County	Smith
CCN	none
City	None
ETJ	none
District	Upper Sabine Valley SWMD
GCD	none

**EXHIBIT E**  
**NOTICE DESCRIPTIONS**

## **Written Descriptions**

### **Cape Tranquility**

The area subject to this transaction is located within approximately 2 miles north of downtown Coffee City, Texas, and is generally bounded on the north by Jamison Drive; on the east and south by Lake Palestine; and on the west by County Road 4202 in Henderson County.

The total area being requested includes approximately 81 acres and serves 70 current customers.

### **Country Club**

The area subject to this transaction is located within approximately 2 miles south of downtown Gilmer, Texas, and is generally bounded on the north by State Highway 155; on the east by US Highway 271 S; on the south by Sugar Creek; and on the west by FM 2685 in Upshur County.

The total area being requested includes approximately 23 acres and serves 34 current customers.

### **Friendship**

The area subject to this transaction is located within approximately 1.3 miles west of downtown Gilmer, Texas, and is generally bounded on the north by Lake Gilmer and Kelsy Creek; on the east by Brooks Creek; on the south by State Highway 154; and on the west by Kelsey Creek in Upshur County.

The total area being requested includes approximately 1090 acres and serves 92 current customers.

### **Garden Acres**

The area subject to this transaction is located within approximately 4.5 miles west of downtown Longview, Texas, and is generally bounded on the north by Mistletoe Street; on the east by Swinging Bridge Road; on the south by Sabine River; and on the west by Hawkins Creek in Gregg County.

The total area being requested includes approximately 256 acres and serves 79 current customers.

### **Harmony and Rosewood**

The area subject to this transaction is located within approximately 6.2 miles west of downtown Gilmer, Texas, and is generally bounded on the north by FM 852; on the east by FM 1795 and Rocky Branch; on the south by State Highway 154; and on the west by Beck Branch and Kelsey Creek in Upshur County.

The total area being requested includes approximately 1804 acres and serves 199 current customers.

### **Mt. Sylvan**

The area subject to this transaction is located within approximately 4.6 miles southwest of downtown Lindale, Texas, and is generally bounded on the north by IH 20; on the east by County Road 4173 and County Road 412; on the south by Neches River & County Road 49; and on the west by Mill Break Creek & Neches River in Smith County.

The total area being requested includes approximately 5006 acres and serves 312 current customers.

### **Stallion Lake and Garden Valley**

The area subject to this transaction is located within approximately 3.5 miles east/southeast of downtown Van, Texas, and is generally bounded on the north and east by State Highway 110; on the south by Neches River and Mill Break Creek; and on the west by County Road 426 in Smith County.

The total area being requested includes approximately 2081 acres and serves 211 current customers.

**Texas Water Systems, Inc. CCN 12473 STM**  
**Cape Tranquillity**

**Utility Name- 2 mile Notice**

**CCN#**

**Street**

**City**

**State**

**Zip**

City of Coffee City		7019 Pleasant Ridge Rd	Coffee City	TX	75763
Aqua Texas, Inc.	13201	1106 Clayton Ln Ste 400W	Austin	TX	78723
Monarch Utilities, LP	12983	12535 Reed Rd	Sugar Land	TX	77478
Southern Utilities Co	10762	218 N Broadway	Tyler	TX	75702
Neches & Trinity Valleys GCD		PO Box 1387	Jacksonville	TX	75766
Henderson County Judge Richard Sanders		125 N Prairieville St Rm 100	Athens	TX	75751

**Country Club**

City of Gilmer	11264	PO Box 760	Gilmer	TX	75644
Pritchett WSC	10478	3670 State Highway 155 S	Gilmer	TX	75645
Sabine River Authority		PO Box 579	Orange	TX	77631
Upper Sabine Valley SWMD		PO Box 82	Gilmer	TX	75644
Upshur County Judge Dean Fowler		PO Box 730	Gilmer	TX	75644

**Friendship**

City of Gilmer	11264	PO Box 760	Gilmer	TX	75644
Pritchett WSC	10478	3670 State Highway 155 S	Gilmer	TX	75645
Sharon WSC	10476	6175 N State Hwy 37	Winnsboro	TX	75494
Upper Sabine Valley SWMD		PO Box 82	Gilmer	TX	75644
Upshur County Judge Dean Fowler		PO Box 730	Gilmer	TX	75644

**Garden Acres**

City of Longview	10361	PO Box 1952	Longview	TX	75606
City of White Oak	10422	906 S White Oak Rd	White Oak	TX	75693
Liberty City WSC	10408	6144 Gateway Ctr Ste 349	Kilgore	TX	75662
Little Cypress Utility District		deleted/ dissolved per TCEQ		TX	
Sabine River Authority		PO Box 579	Orange	TX	77631
Gregg County Judge Bill Stoudt		PO Box 4147	Longview	TX	75606

**Harmony and Rosewood**

Pritchett WSC	10478	3670 State Highway 155 S	Gilmer	TX	75645
Sharon WSC	10476	6175 N State Hwy 37	Winnsboro	TX	75494
Sabine River Authority		PO Box 579	Orange	TX	77631
Upper Sabine Valley SWMD		PO Box 82	Gilmer	TX	75644
Upshur County Judge Dean Fowler		PO Box 730	Gilmer	TX	75644

**Mt. Sylvan**

City of Lindale	12795	PO Box 130	Lindale	TX	75771
City of Tyler	10772	PO Box 2039	Tyler	TX	75710
Crystal Systems of Texas Inc.	10804	PO Box 1084	Tyler	TX	75710
Lindale Rural WSC	10758	PO Box 756	Lindale	TX	75771
RPM WSC	10787	5765 SH 64	Ben Wheeler	TX	75754
Southern Utilities Co	10762	218 N Broadway	Tyler	TX	75702
Carroll WSC	10765	PO Box 428	Van	TX	75790
Angelina & Neches River Authority		PO Box 387	Lufkin	TX	75902
Sabine River Authority		PO Box 579	Orange	TX	77631
Upper Sabine Valley SWMD		PO Box 82	Gilmer	TX	75644
Van Zandt County Waste Disposal District		PO Box 117	Canton	TX	75103
Smith County Judge Nathaniel Moran		200 E. Ferguson, Suite 100	Tyler	TX	75702

**Stallion Lake and Garden Valley**

Ben Wheeler WSC	10749	PO Box 104	Ben Wheeler	TX	75754
City of Van	10768	PO Box 487	Van	TX	75790
Crystal Systems of Texas Inc.	10804	PO Box 1084	Tyler	TX	75710
Lindale Rural WSC	10758	PO Box 756	Lindale	TX	75771
RPM WSC	10787	5765 SH 64	Ben Wheeler	TX	75754
Carroll WSC	10765	PO box 428	Van	TX	75790
Angelina & Neches River Authority		PO Box 387	Lufkin	TX	75902
Sabine River Authority		PO Box 579	Orange	TX	77631
Upper Sabine Valley SWMD		PO Box 82	Gilmer	TX	75644
Van Zandt County Waste Disposal District		PO Box 117	Canton	TX	75103
Smith County Judge Nathaniel Moran		200 E. Ferguson, Suite 100	Tyler	TX	75702