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APPLICATION OF CITY OF FORT WORTH FOR A SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY IN TARRANT, DENTON, WISE AND PARKER COUNTIES § § § § §

RECEIVED 2019 AUG 23 PM 2:53 PUBLIC UTILITY COMMISSION OF TEXAS

UNDINE TEXAS ENVIRONMENTAL, LLC'S MOTION TO INTERVENE AND REQUEST FOR PUBLIC HEARING

COMES NOW, Undine Texas Environmental, LLC ("Undine") and files this Motion to Intervene and Request for Public Hearing ("Motion") in this matter. The Administrative Law Judge's ("ALJ") Order No. 4 in this matter (Document No. 49277-11) established the deadline to file a Motion to Intervene of 30 days after mailed notice or last published notice, whichever is later. Accordingly, this Motion is timely filed. In support of its Motion, Undine respectfully shows the following:

I. DISCUSSION

The City of Fort Worth (the "City") seeks to obtain a sewer certificate of convenience and necessity ("CCN") that would cover a geographic area of approximately 241,173 additional acres across four Texas counties. Undine is an "Affected Person" with respect to this application pursuant to Tex. Water Code Ann. § 13.002 (Affected Person includes "a retail public utility affected by the requested action of the regulatory authority"). Undine holds a sewer CCN in the immediate vicinity of the area to be certificated. Among other impacts, Undine's ability to serve its customers and its investment in its area sewer assets would be adversely affected by the approval of this application.

Undine asserts that the application does not satisfy the requirements of Texas Water Code §§ 13.241 ("Granting Certificates") and 13.246 ("Notice and Hearing; Issuance or Refusal; Factors Considered") and the Commission's implementing regulations at 16 Tex. Admin. Code § 24.102 ("Criteria for Granting or Amending a Certificate of Convenience and Necessity"). Undine asserts, without limitation: (i) that the applicant does not have the financial, managerial, or technical capability to provide continuous and adequate service across the large area the applicant seeks to certificate; (ii) that regionalization or consolidation with another retail public utility is economically feasible; (iii) that it is

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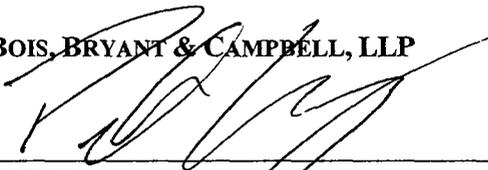
economically feasible to obtain service from an existing retail public utility; (iv) that the granting of the certificate will not result in the probable improvement of service or lowering of cost to consumers in the area to be certificated; (v) that there is an absence of need for additional service in the requested area; and (vi) that there will be significant adverse effect on utilities already providing sewer service within two miles of the boundary of the requested area.

II. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Undine Texas Environmental, LLC respectfully requests that the Administrative Law Judge grant its request to intervene in this matter and request for a public hearing, and for such other relief as to which it has shown itself to be entitled. Undine reserves its right to supplement this Motion to Intervene and Request for Hearing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

By my signature above, I hereby certify that on the 23 day of August, 2019, the foregoing document was serviced via first class mail and/or email to the following:

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