



Control Number: 49379



Item Number: 21

Addendum StartPage: 0

DOCKET NO. 49379

APPLICATION OF NERRO SUPPLY §
INVESTORS, LLC AND UNDINE §
TEXAS, LLC FOR SALE, TRANSFER, §
OR MERGER OF FACILITIES AND §
CERTIFICATE RIGHTS IN HARRIS §
AND MONTGOMERY COUNTIES §

RECEIVED
2019 JUL 19 PM 4:16
PUBLIC UTILITY COMMISSION
OF TEXAS

REQUEST FOR WAIVER

Undine Texas, LLC (“Undine”) hereby files a Request for Waiver requesting that the requirement that notice of this application be provided in a newspaper of general circulation be waived.

I. DISCUSSION

Commission Staff’s Supplemental Recommendation on Administrative Completeness and Proposed Procedural Schedule (Docket No. 49379-19) (“Supplemental Recommendation”) recommended that the applicants be ordered to provide two forms of notice: (1) direct notice to four categories of individuals/entities; and (2) “publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Harris and Montgomery Counties” (“Published Notice”). See PUC Interoffice Memorandum from E. Sears to R. Tawater, attached to Supplemental Recommendation. Order No. 4 (Docket No. 49379-20), issued on July 18, 2019, adopted the Commission Staff’s recommendation, including a requirement that the applicants provide proof that notice was published in a newspaper of general circulation by August 19, 2019.

Undine requests that the requirement for Published Notice be waived. Undine identifies several factors in support of its request. First, the applicants are not proposing any change in CCN areas pursuant to this application. Second, the applicants are not requesting (and will not

experience) any changes to customer rates, tariffs or services because of the transaction that is the subject of the application. Third, any minimal benefit that could be derived from the Published Notice is substantially outweighed by the substantial expense the applicants (and rate payers) would incur in conducting the Published Notice (in excess of \$10,000). Finally, Undine notes the PUC has determined in similar circumstances that direct notice is sufficient. *See, e.g.*, Docket No. 49364.

II. CONCLUSION

THEREFORE, Undine hereby requests that its request for waiver of a requirement that notice be provided in a newspaper of general circulation be granted.

Respectfully submitted,

DuBois, Bryant & Campbell, LLP

By: 

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, 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 9 day of July, 2019:

Rustin Tawater
Public Utility Commission of Texas
Legal Division
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326
Rustin.tawater@puc.texas.gov