



Control Number: 49379



Item Number: 26

Addendum StartPage: 1

DOCKET NO. 49379

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

ORDER NO. 5
CONCERNING PUBLICATION OF NOTICE; GRANTING AN EXTENSION

This Order addresses Undine Texas, LLC's request, filed on July 19, 2019, for waiver of the requirement of publication of notice. This Order additionally addresses Commission Staff's motion, filed on August 16, 2019, for extension of time to file a recommendation on the sufficiency of notice.

In Order No. 4 issued on July 18, 2019, the administrative law judge (ALJ) required Undine to provide notice of the application to affected parties and to publish notice once a week for two consecutive weeks in a newspaper of general circulation in the appropriate counties. The ALJ additionally directed Commission Staff to file a recommendation on the sufficiency of notice within ten days of the applicants filing proof of completed notice.

On July 19, 2019, Undine requested that the requirement for published notice be waived, stating that the applicants do not seek any change in the certificate of convenience and necessity (CCN) areas, that customers will not experience any changes to rates or services as a result of the proposed transaction, and that the benefits of published notice will be outweighed by the publication costs. Commission Staff did not file an objection to Undine's request.

On August 8, 2019, Undine filed documentation of delivery of notice to affected parties, renewing its request for waiver of the requirement of published notice. On August 16, 2019, Commission Staff filed a motion seeking an extension of time to file its recommendation on the sufficiency of notice to ten days from the date of the ALJ's ruling on Undine's waiver request.

Under 16 Texas Administrative Code § 24.239(e), the requirement of publication of notice of the application is discretionary. After careful consideration of the benefits, costs, and

alternatives to published notice, the ALJ finds that published notice should not be required in this case.

Accordingly, Order No. 4 is modified to reflect that publication of notice is not required. By September 2, 2019, Commission Staff must file a recommendation on sufficiency of notice.

Signed at Austin, Texas the 21st day of August 2019.

PUBLIC UTILITY COMMISSION OF TEXAS



STEVEN LEARY
ADMINISTRATIVE LAW JUDGE