

Control Number: 49380



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DOCKET NO. 49380

APPLICATION OF NERRO SUPPLY,	§	PUBLIC UTILITY COMMISSION
LLC AND UNDINE TEXAS, LLC FOR	§	
SALE, TRANSFER, OR MERGER OF	§	OF TEXAS
FACILITIES AND CERTIFICATE	§	
RIGHTS IN BRAZOS, BURLESON,	§	
CHAMBERS, MONTGOMERY,	§	
ROBERTSON, AND WALKER	§	
COUNTIES AND TO DECERTIFY A	§	
PORTION OF NERRO SUPPLY, LLC'S	§	
CERTIFICATED AREA IN	§	
BURLESON COUNTY	§	

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE

COMES NOW the Commission Staff of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 2, files this Recommendation on Sufficiency of Notice. Staff recommends that the notice be deemed sufficient. In support thereof, Staff shows the following:

I. BACKGROUND

On March 27, 2019, Nerro Supply, LLC (Nerro) and Undine Texas Environmental, LLC (Undine) (collectively, Applicants) filed an application for Sale, Transfer, or Merger of Facilities and Certificate Rights in Brazos, Burleson, Chambers, Montgomery, Robertson, and Walker Counties, Texas. Specifically, the applicants seek to sell and transfer portions of Nerro's facilities and service area under water Certificate of Convenience and Necessity (CCN) No. 12252 to Undine's CCN No. 13260. The requested transfer includes approximately 1,904 acres and 1,321 current customers. In addition to this sale and transfer, Undine requests to add approximately 399 acres in Burleson and Montgomery Counties to Nerro's CCN, and decertify approximately 85 acres in Burleson County from Nerro's CCN.

On April 30, 2019, Order No. 2 was issued establishing a deadline of June 10, 2019 for Applicants to file proof notice and a deadline for Staff to file a recommendation on the sufficiency of notice ten days thereafter. Applicants filed proof of notice on June 10, 2019. Consequently, Staff's deadline to file a recommendation on the sufficiency of notice is June 20, 2019. Therefore, this pleading is timely filed.

II. NOTICE

Staff has reviewed the proof of notice and found it to be sufficient. Therefore, Staff respectfully recommends that notice be found sufficient.

III. PROCEDURAL SCHEDULE

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

Event	Date
Notice Completed	June 7, 2019
Deadline to Intervene	July 8, 2019 ¹
Deadline for Staff to request a hearing or file a recommendation	August 8, 2019
Deadline for parties to file a response to Staff's recommendation	September 9, 2019
120 day deadline for the Commission to approve the transfer or require a hearing	October 7, 2019 ²

IV. CONCLUSION

For the reasons discussed above, Staff respectfully requests that the Applicants proof of notice be found sufficient and that the proposed procedural schedule be adopted.

¹ Pursuant to 16 Tex. Admin. Code (TAC) § 24.109(c)(3), the deadline for intervention is 30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer. Notice was published in The Huntsville Item on June 7, 2019. Therefore, 30 days after June 7, 2019 is July 7, 2019. Pursuant to 16 Tex. Admin. Code (TAC) § 22.4(a), the designated period runs until the end of the next day on which the commission is open for business. In this instance, the next day the commission is open for business is Monday July 8, 2019.

² Pursuant to 16 TAC § 24.109, the deadline for Commission action is 120 days after the later of either when the application is filed, when notice was mailed, or when notice is published. One hundred and twenty days after June 7, 2019 is October 5, 2019. Pursuant to 16 Tex. Admin. Code (TAC) § 22.4(a), the designated period runs until the end of the next day on which the commission is open for business. In this instance, the next day the commission is open for business is Monday October 7, 2019.

Dated: June 19, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen Hubbard
Managing Attorney

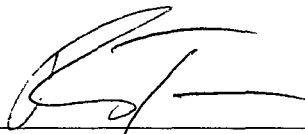


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on June 19, 2019, in accordance with 16 TAC § 22.74.



Rustin Tawater