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

**COMMISSION STAFF'S RECOMMENDATION ON
SUFFICIENCY OF NOTICE AND PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Commission Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation of Sufficiency of Notice and Proposed Procedural Schedule. 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 Chambers, Harris and Walker Counties, Texas. Specifically, the applicants seek to sell and transfer portions of Nerro's facilities and service area under sewer Certificate of Convenience and Necessity (CCN) No. 20366 to Undine's CCN No. 20816. The requested transfer includes service area within the Bayridge Subdivision and Oaks at Houston Point in Chambers County; Wildwood Shores in Walker County; and Greens Bayou Fabrication Yard in Harris County. Applicants filed supplemental information on June 19, 2019.

On July 18, 2019, the Commission Administrative Law Judge (ALJ) issued Order No. 4 finding the application administratively complete and requiring Staff to file a recommendation on sufficiency of notice within ten days of Applicants' filing proof of completed notice.

On July 19, 2019, Undine requested that the requirement for published notice be waived. 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 and renewed its request for waiver of the notice publication requirement.

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On August 16, 2019, 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. Undine filed supplemental documentation of delivery of notice on August 27, 2019.

On August 20, 2019 the ALJ issued Order No. 5 modifying Order No. 4 to reflect that publication of notice would not be required and establishing a deadline of August 30, 2019 for Staff to file a recommendation on sufficiency of notice. Therefore, this pleading is timely filed.

II. NOTICE

Staff has reviewed the notice documentation filed by Undine on August 8, 2019 and August 27, 2019. Undine filed an Affidavit of Notice to Current Customers, Neighboring Utilities and Affected Parties indicating that notice of application was mailed to the entities listed in an attachment to the affidavit on July 26, 2019 and August 27, 2019.

Order No. 4 required Applicants to provide notice of application as described in Staff's Supplemental Recommendation on Administrative Completeness and Proposed Procedural Schedule filing submitted on July 16, 2019 (Supplemental Recommendation). Undine's notice was provided to all entities listed in Staff's Supplemental Recommendation. Order No. 5 permitted Undine to forego publication of notice, a requirement earlier recommended in Staff's Supplemental Recommendation.

Following its review of Undine's notice of application filings, and in consideration of Order No. 5 waiving publication of notice, Staff recommends that Undine's notice be deemed sufficient.

III. PROCEDURAL SCHEDULE

In accordance with Staff's recommendation that Applicants' notice be found sufficient, Staff proposes the following supplemental procedural schedule:

Event	Date
Notice completed	August 27, 2019

Deadline for intervention	September 26, 2019 ¹
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment	October 25, 2019
Deadline for parties to file a response to Staff's recommendation	December 9, 2019
120 day deadline for the Commission to approve the sale or require a hearing	January 6, 2020 ²

IV. CONCLUSION

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

¹ Pursuant to 16 TAC § 24.239(b), the intervention period shall not be less than thirty (30) days unless good cause is shown. Notice was completed on August 27, 2019. Therefore, thirty (30) days after August 27, 2019 was Thursday, September 26, 2019.

² Pursuant to 16 TAC § 24.239(a) and (j), the deadline for Commission action is one hundred twenty (120) days after the mailing or publication of notice, whichever occurs later. One hundred and twenty days after August 27, 2019 is Wednesday, December 25, 2019. Since the Commission is closed on December 25, 2019, the period runs until the end of the next day on which the Commission is open for business, Monday, January 6, 2020.

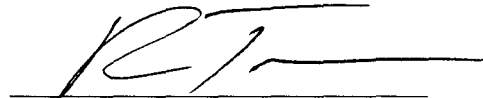
Dated: August 29, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on August 29, 2019, in accordance with 16 TAC § 22.74.



Rustin Tawater