



Control Number: 50200



Item Number: 1991

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SOAH DOCKET NO. 473-20-3110.WS

PUC DOCKET NO. 50200

APPLICATION OF UNDINE TEXAS, § BEFORE THE STATE OFFICE  
LLC AND UNDINE TEXAS § OF  
ENVIRONMENTAL, LLC FOR §  
AUTHORITY TO CHANGE RATES § ADMINISTRATIVE HEARINGS

**UNDINE TEXAS, LLC AND UNDINE TEXAS ENVIRONMENTAL, LLC 'S  
SUPPLEMENTAL OBJECTION TO BEECHWOOD HOA MOTION TO INTERVENE**

COMES NOW, Undine Texas, LLC and Undine Texas Environmental, LLC (Undine) and file this Supplemental Objection to the Motion to Intervene of Beechwood HOA, Inc. (Beechwood HOA). Undine’s original objection to the late-filed Beechwood HOA intervention was filed on April 29, 2020, the day after Undine became aware of the filing.<sup>1</sup> Subsequent to the filing of Undine’s objections, Undine has received information demonstrating the absence of authority to support the intervention of the Beechwood HOA, as set forth herein.

The Motion to Intervene filed by Britney May and Samantha Stanley on April 27, 2020, purported to intervene “on behalf of all the property owners and HOA members.”<sup>2</sup> To the extent that that motion is intended to request intervention of the Beechwood HOA, Inc., Undine files this Supplemental Objection.

On April 30, 2020, Mr. Rick Melcher, Manager of Public Relations of Undine, LLC, had a conversation with Mr. James Peterson, the Treasurer of the Beechwood HOA. Mr. Melcher inquired as to whether the HOA had authorized Ms. May to file a motion to intervene in this docket on behalf of the HOA. Mr. Peterson was unaware that the intervention had been filed, and he subsequently provided correspondence to Mr. Melcher indicating that Ms. May was not authorized by the HOA Board of Directors to act on behalf of the homeowners residing in

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<sup>1</sup> See Undine Texas, LLC and Undine Texas Environmental, LLC’s Objections to Beechwood HOA, Inc.’s Motion to Intervene and, in the Alternative, Motion in Limine (Apr. 29, 2020) (Undine’s Objections to Beechwood HOA’s Motion to Intervene); The circumstances of Beechwood HOA’s filing and the lack of notification to Undine are set out in Undine’s Objections to Beechwood HOA’s Motion to Intervene.

<sup>2</sup> See Motion to Intervene (Apr. 27, 2020); Undine continues to object to Ms. May’s intervention on her own behalf, and on behalf of other unnamed residents, as set forth in Undine’s Objections to Beechwood HOA’s Motion to Intervene, dated April 29, 2020.

1991


Beechwood. An affidavit by Mr. Melcher is attached to this Supplemental Objection as Attachment A.

Undine respectfully reurges its request that the Motion to Intervene on behalf of the Beechwood HOA be in all respects denied. Undine also additionally reurges the importance of requiring individuals purporting to speak on behalf of others to demonstrate that they have been so authorized.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE  
& TOWNSEND, P.C.**

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GEORGIA N. CRUMP  
State Bar No. 05185500

JAMIE L. MAULDIN  
State Bar No. 24065694

**ATTORNEYS FOR UNDINE TEXAS, LLC and  
UNDINE TEXAS ENVIRONMENTAL, LLC**

**CERTIFICATE OF SERVICE**

I certify that notice of the filing of this document was provided to all parties of record via electronic mail on May 5, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

  
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GEORGIA N. CRUMP

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Beechwood. An affidavit by Mr. Melcher is attached to this Supplemental Objection as Attachment A.

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**LLOYD GOSSELINK ROCHELLE  
& TOWNSEND, P.C.**

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GEORGIA N. CRUMP  
State Bar No. 05185500

JAMIE L. MAULDIN  
State Bar No. 24065694

**ATTORNEYS FOR UNDINE TEXAS, LLC and  
UNDINE TEXAS ENVIRONMENTAL, LLC**

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GEORGIA N. CRUMP

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<b>LLC AND UNDINE TEXAS</b>	<b>§</b>	
<b>ENVIRONMENTAL, LLC FOR</b>	<b>§</b>	<b>OF</b>
<b>AUTHORITY TO CHANGE RATES</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**AFFIDAVIT OF FRED (“RICK”) MELCHER**

<b>STATE OF TEXAS</b>	<b>§</b>
	<b>§</b>
<b>COUNTY OF HARRIS</b>	<b>§</b>

BEFORE ME, the undersigned authority, on this day personally appeared Fred (“Rick”) Melcher who being by me first duly sworn, on oath deposed and said the following:

1. My name is Fred (“Rick”) Melcher. I am Manager of Public Relations for Undine, LLC, the parent company of Undine Texas, LLC, and Undine Texas Environmental, LLC.

2. In my capacity as Manager of Public Relations, I am tasked with contacting customers and responding to their concerns, whether regarding this current rate filing or any other matters affecting customer relations.

3. On April 29, 2020, when I became aware that an individual had filed a motion to intervene in Undine’s rate application, claiming to represent the Beechwood Homeowners Association (HOA), I emailed two individuals whom I knew to be officers of the HOA to ask if they were aware of the motion to intervene. I did so because I had had previous conversations with these individuals who had informed me that the HOA would not be intervening.

4. Thereafter, on April 30, 2020, I spoke on the phone with Mr. James Peterson, the Treasurer of the Board of Directors of the HOA. Ms. Carey Thomas, Senior Vice-President of Undine Texas, LLC, was also on the call.

5. Mr. Peterson informed Ms. Thomas and myself that the Board of Directors of the HOA had not taken any action to authorize Ms. May to intervene on the HOA's behalf or to speak on behalf of the HOA in this rate docket.

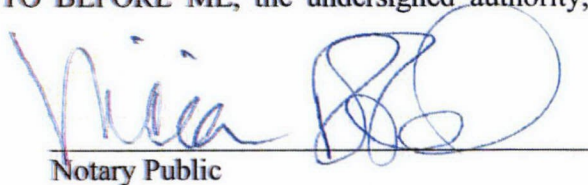
6. I later corresponded again with Mr. Peterson to verify in writing what we discussed in the telephone call. Mr. Peterson replied to my email on April 30, 2020, stating that "Ms. May does not have HOA Board authorization to act on behalf of the homeowners residing in Beechwood." I have attached a print-out of our correspondence to my affidavit as Attachment 1.

Dated: May 4, 2020.

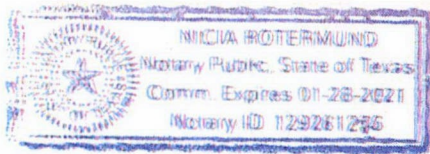


FRED ("RICK") MELCHER

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this 4th day of May, 2020.



Notary Public



**From:** Rick Melcher <[RMelcher@UndineLLC.com](mailto:RMelcher@UndineLLC.com)>  
**Sent:** Monday, May 4, 2020 11:30 AM  
**To:** Georgia Crump <[gcrump@lglawfirm.com](mailto:gcrump@lglawfirm.com)>  
**Subject:** FW: Undine Rate Case

**Rick Melcher**  
*Manager of Public Relations*  
*UndineLLC*  
*979-319-0966*



**From:** James Peterson <[jpeterson@nwcable.net](mailto:jpeterson@nwcable.net)>  
**Sent:** Thursday, April 30, 2020 8:23 PM  
**To:** Rick Melcher <[RMelcher@UndineLLC.com](mailto:RMelcher@UndineLLC.com)>  
**Subject:** Re: Undine Rate Case

Hello Rick,

Your question is correct. Ms. May does not have HOA Board authorization to act on behalf of the homeowners residing in Beechwood.

Regards,

James Peterson  
Beechwood HOA Treasurer

On Apr 30, 2020, at 1:16 PM, Rick Melcher <[RMelcher@UndineLLC.com](mailto:RMelcher@UndineLLC.com)> wrote:

James, Thank you for the conversation today.

I'm being asked to be certain about the things we discussed this morning.  
Am I correct that it's your understanding that Ms. May didn't go through the HOA Board or request authorization from the Board to bring the HOA, as a whole, into her personal intervention in the rate case?

This is what I told you Britney May was attempting, copied from her intervenor pleading:

“...regarding her intention to file a Motion to Intervene on behalf of the Beechwood Community Home Owner’s Association....”



**Rick Melcher**  
*Manager of Public Relations*  
*UndineLLC*  
*979-319-0966*