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DOCKET NO. 50960

**APPLICATION OF NERRO SUPPLY,
LLC AND UNDINE TEXAS, LLC FOR
SALE, TRANSFER OF FACILITIES
AND CERTIFICATE RIGHTS IN
CHAMBERS, HARRIS, AND LIBERTY
COUNTIES**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 4, files this recommendation on sufficiency of notice. In support thereof, Staff shows the following:

I. BACKGROUND

On June 19, 2020, Nerro Supply, LLC (Nerro) and Undine Texas, LLC (Undine) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Chambers, Harris, and Liberty Counties. Specifically, Undine seeks approval to acquire facilities and to transfer a portion of Nerro's water Certificate of Convenience and Necessity (CCN) No. 12252. In addition, Undine seeks to amend its water CCN with additional area not currently certificated to Nerro. The total area Undine seeks to add to its CCN through the application is 680 acres and includes existing connections. On July 7, 2020, August 20 and 21, 2020, and September 15, 2020, the Applicants filed supplements to the application.

On September 24, 2020, the administrative law judge (ALJ) filed Order No. 3, finding the application administratively complete and directed the Applicants to provide notice of the application and proof of notice by November 5, 2020. On November 4, 2020, the Applicants requested an extension and the ALJ granted the Applicants' request in Order no. 4 filed on November 12, 2020. Order no. 4 also ordered Staff to file a recommendation on sufficiency of the Applicants' notice by November 30, 2020. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON NOTICE

Staff has reviewed the affidavit of notice and affidavit of publication filed by the Applicants on November 18, 2020 and recommends it be found sufficient. Notice was mailed to

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current customers, neighboring utilities, and affected parties on October 12, 2020, which included the parties listed in Staff's recommendation on administrative completeness filed on September 24, 2020. In addition, notice was published in a newspaper of general circulation in Harris, Liberty, Chambers, and Montgomery Counties on October 16, 2020 and October 23, 2020. Therefore, Applicants notice substantially meets the requirements of 16 Texas Administrative Code (TAC) § 24.239(c).

III. PROCEDURAL SCHEDULE

Staff recommends the notice be found sufficient. Staff therefore proposes the following procedural schedule:

Event	Date
Notice completed	October 23, 2020
Deadline for intervention	November 22, 2020 ¹
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment	January 15, 2021
Deadline for parties to file a response to Staff's recommendation	February 15, 2021
120-day deadline for the Commission to approve the sale or require a hearing	March 22, 2021 ²

IV. CONCLUSION

Staff respectfully requests the entry of an order finding the Applicants' notice sufficient and adoption of the above proposed procedural schedule.

¹ Pursuant to 16 Texas Administrative Code (TAC) § 24.239(b), the intervention period shall not be less than 30 days unless good cause is shown. Notice was mailed to the last party on October 12, 2020 and published on October 16, 2020 and October 23, 2020. Therefore, 30 days after October 23, 2020 is November 22, 2020.

² Pursuant to 16 TAC § 24.239 (a) and (j), the deadline for Commission action is 120 days after the mailing or publication of notice, whichever occurs later. One hundred and twenty days after November 22, 2020 is March 22, 2021.

Dated: November 30, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on November 30, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kourtnee Jinks
Kourtnee Jinks