



Control Number: 50961



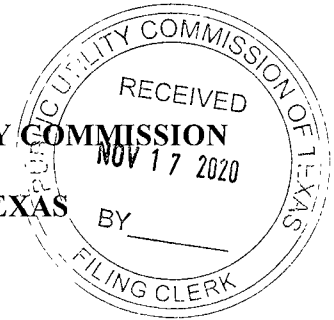
Item Number: 23

Addendum StartPage: 0

**DOCKET NO. 50961**

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

**PUBLIC UTILITY COMMISSION  
OF TEXAS**



**UNDINE TEXAS ENVIRONMENTAL, LLC'S RESPONSE TO ORDER NO. 4**

COMES NOW, Applicant, Undine Texas Environmental, LLC ("Undine") and files this Response to Order No. 4. Order No. 4 established a deadline of November 16, 2020 to provide the information contained herein. The undersigned apologizes that this filing is being provided a day after the deadline, and represents that the delay was unintentional and occurred despite the reasonable efforts of Undine to submit the filing by the deadline.

Attached as Exhibit A is the notice to affected parties.

Attached as Exhibit B is the affidavit of delivery and notice.

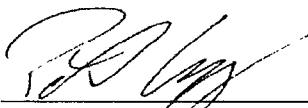
Attached as Exhibit C (submitted confidentially) is a list of recipients.

Attached as Exhibit D are the Publisher's Affidavit and tear sheets.

Attached as Exhibit E are the maps associated with Undine's application.

Respectfully submitted,

**DuBois, Bryant & Campbell, LLP**

By: 

Peter T. Gregg  
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Austin, Texas 78701  
[pgregg@dbcllp.com](mailto:pgregg@dbcllp.com)  
(512) 457-8000  
(512) 457-8008 (fax)

**Attorneys for Undine Texas  
Environmental, LLC**

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**CERTIFICATE OF SERVICE**

I certify by my signature above that a true and correct copy of the foregoing document was served by email on this the 17th day of November, 2020, to:

Merritt Lander  
Public Utility Commission of Texas  
Legal Division  
1701 N. Congress Avenue  
P. O. Box 13326  
Austin, Texas 78711-3326  
[merritt.lander@puc.texas.gov](mailto:merritt.lander@puc.texas.gov)

**EXHIBIT A**

**NOTICE TO AFFECTED PARTIES**

***Notice to Current Customers, Neighboring Systems, and Cities***

UNDINE TEXAS ENVIRONMENTAL, LLC, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 20816, NOTICE OF INTENT TO PURCHASE A PORTION OF THE SEWER FACILITIES AND TO TRANSFER SEWER SERVICE AREA UNDER CCN NO. 20366 FROM NERRO SUPPLY, LLC IN CHAMBERS, HARRIS, AND LIBERTY COUNTIES, TEXAS

To: **Current Customers, Neighboring Systems, and Cities**      Date Notice Mailed: October 12, 2020  
(Name of Customer, Neighboring System, or City)

Undine Texas Environmental, LLC                      17681 Telge Road      Cypress, TX                      77429  
(Purchaser's Name)                                      (Address)                                      (City), (State)                                      (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase a portion of Nerro Supply, LLC's sewer facilities and to transfer sewer certificated service area under CCN No. 20366, in Chambers, Harris and Liberty Counties, TX from:

Nerro Supply, LLC                                      P.O. Box 691008                      Houston, TX                      77269  
(Seller's Name)                                      (Address)                                      (City), (State)                                      (Zip Code)

The sale is scheduled to take place if approved by the Commission (V.T.C.A., Water Code § 13.301). The transaction and the transfer of the CCN includes the following subdivisions:

**Maple Leaf Gardens**

The requested area is located approximately 2 miles northeast of downtown Jersey Village, Texas, and is generally bounded on the north by Fox Road and Windfern Road; on the east by Windfern Road; on the south by Camelia Crest Lane; and on the west by Houston Oaks Drive. The total requested area includes approximately 124 acres and 188 current customers.

The area to be transferred from Nerro Supply LLC is approximately 79 acres.

The area to be amended/added is approximately 45 acres.

**Woodland Acres**

The requested area is located approximately 1 mile north of downtown Old River-Winfree, Texas, and is generally bounded on the north by Ridgewood Road; on the east by FM 1409 and Harmon Estates Road; on the south by Old River; and on the west by a line 1500' west of Shady Lane. The total requested area includes approximately 252 acres and 219 current customers.

The area to be transferred from Nerro Supply LLC is approximately 32 acres.

The area to be amended/added is approximately 220 acres. This includes the transferred area of approximately 32 acres that is to be moved to the correct location.

The area of Gulf Coast Waste Disposal Authority to be decertified is approximately 198 acres.

**See enclosed map showing the requested areas**

This transaction will not have an effect on the current customer's rates and services.

The requested areas overlap the district boundaries of West Harris County MUD 11. If West Harris County MUD 11 does not request a public hearing, the Commission shall determine that the district is consenting to Undine Texas Environmental, LLC's request to provide retail sewer utility service in the requested area.

*Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.*

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large-scale map, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.

Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas  
Central Records  
1701 N. Congress, P. O. Box 13326  
Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

Si desea información en español, puede llamar al 1-888-782-8477.

\_\_\_\_\_  
Utility Representative

\_\_\_\_\_  
Utility Name

**EXHIBIT B**

**AFFIDAVIT OF DELIVERY AND NOTICE**

# PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND  
AFFECTED PARTIES  
DOCKET NO. 50961

STATE OF TEXAS  
COUNTY OF Harris

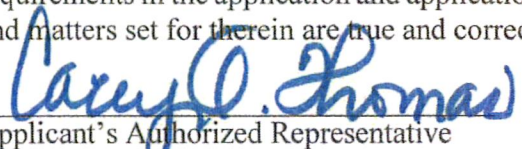
Undine Texas Environmental, LLC has provided individual notice  
to the following entities and customers:

Current Customers, Neighboring  
Utilities, and Affected Parties  
Related to Docket No. 50961

DATE OF NOTICE  
October 12, 2020

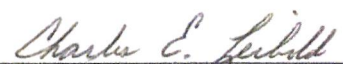
### OATH

I, Carey A. Thomas, being duly sworn, file this form as  
Senior Vice President (indicate relationship to applicant, that is,  
owner, member of partnership, title of officer of corporation, or other authorized representative of  
applicant); that in such capacity, I am qualified and authorized to file and verify such form, am  
personally familiar with the notices given with this application, and have complied with all notice  
requirements in the application and application acceptance letter; and that all such statements made  
and matters set for therein are true and correct.

  
Applicant's Authorized Representative

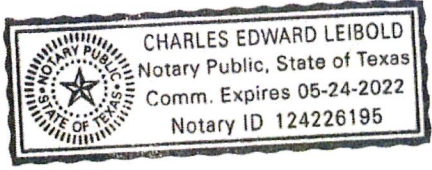
If the applicant to this form is any person other than the sole owner, partner, officer of the applicant,  
or its attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this 16 day of NOVEMBER, 2020,  
to certify which witness my hand and seal of office.

  
Notary Public in and for the State of Texas

CHARLES E. LEIBOLD  
Print or Type Name of Notary Public

Commission Expires 5/24/2022





**EXHIBIT C**  
**LIST OF RECIPIENTS**  
**CONFIDENTIAL**

# **CONFIDENTIAL**

**DOCKET NO.:** 50961

**STYLE:** Application of Nerro Supply, LLC and Undine Texas Environmental, LLC for Sale, Transfer or Merger of Facilities and Certificate Rights in Chambers, Harris and Liberty Counties

**SUBMITTING PARTY:** Undine Texas, LLC

**BRIEF DESCRIPTION OF CONTENTS:** Exhibit C – List of Recipients

**BATE STAMP OR SEQUENTIAL PAGE NUMBER RANGE:** 9 to 16

**ENVELOPE #:** 1 OF 1

**ADDITIONAL INFORMATION REQUIRED BY PROTECTIVE ORDER:**

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**DATE SUBMITTED TO COMMISSION:** November 18, 2020

**EXHIBIT D**

**PUBLISHER'S AFFIDAVIT AND TEAR SHEET**

PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT  
DOCKET NO. 50961

STATE OF TEXAS

COUNTY OF Harris

Before me, the undersigned authority, on this day personally appeared Bob Charlet,

who being by me duly sworn, deposes and that (s)he is the

Publisher of the Houston Business Journal  
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in Montgomery  
(COUNTY/COUNTIES)

and generally circulated in Harris, Liberty, Chambers, Montgomery, Texas;  
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, to wit:

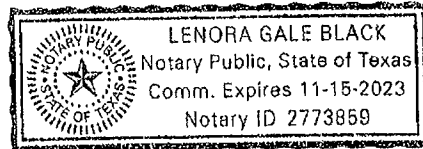
October 16, 2020 & October 23, 2020  
(DATES)

Bob Charlet  
(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this 12th day of November, 2020  
to certify which witness my hand and seal of office.

Lenora Gale Black  
Notary Public in and for the State of Texas

Lenora Gale Black  
Print or Type Name of Notary Public



Commission Expires 11-23-2023

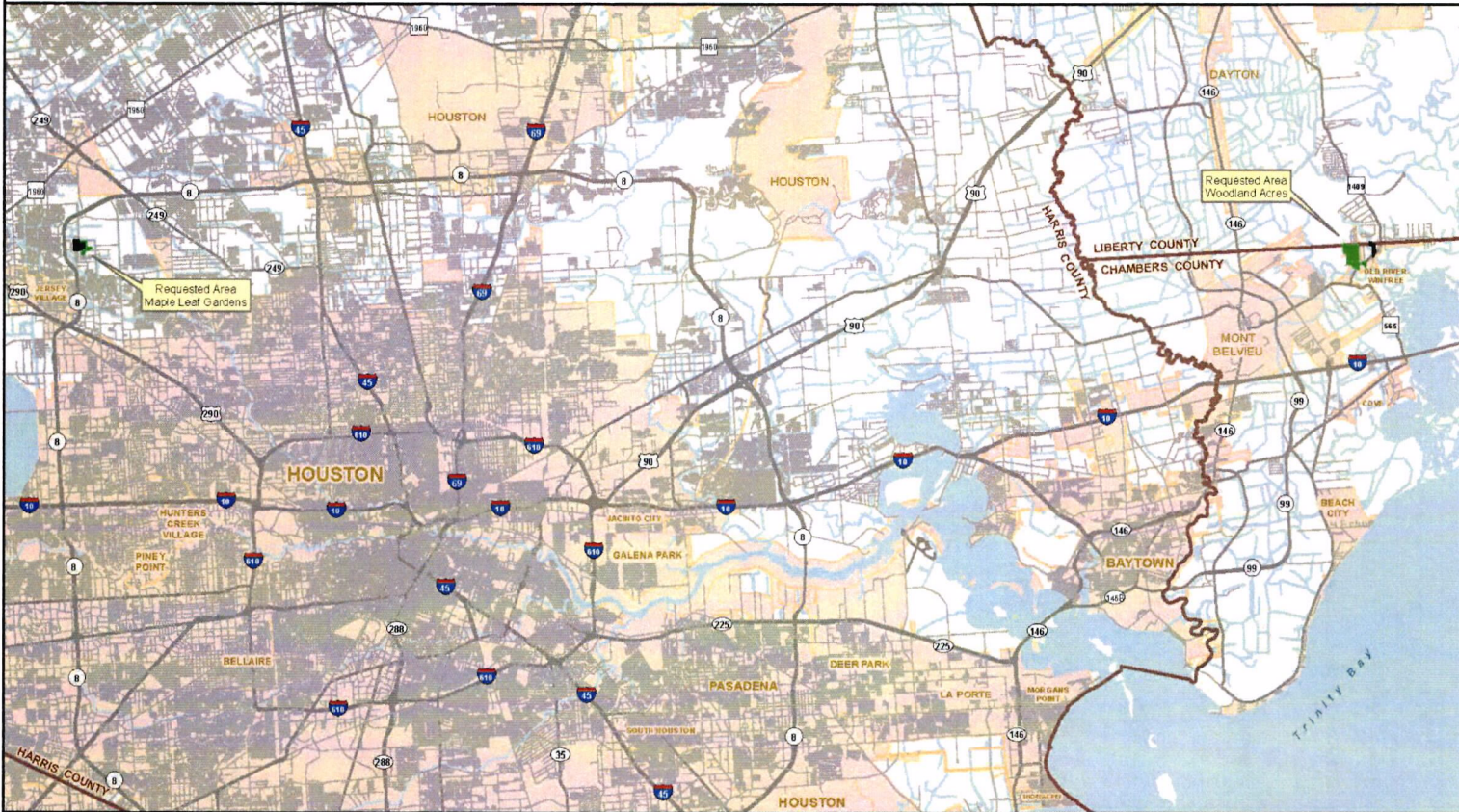




**EXHIBIT E**

**MAPS**

Undine Texas Environmental, LLC  
 Application to Transfer Nerro Supply, LLC, CCN No. 20366 to Undine Texas, LLC, CCN No. 20816  
 and to Amend CCN to Include Existing Customers and Correct Service Areas  
 in Chambers, Harris and Liberty Counties



General Location - Harris, Chambers and Liberty Counties



0 2.5 5 Miles

1:300,000

Requested Sewer Service Areas to Transfer and Amend

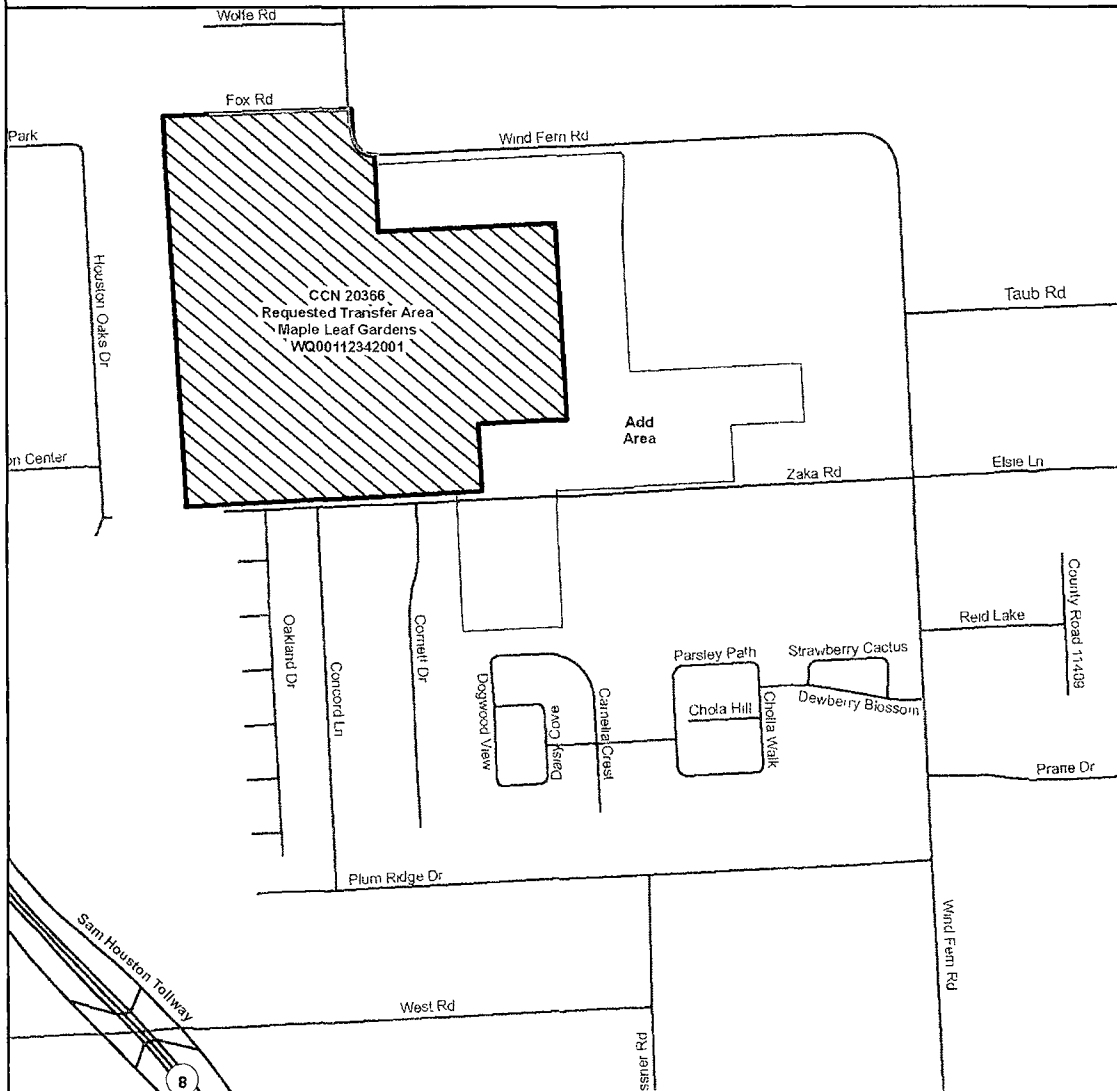
- CCN 20366 - Nerro Supply, LLC - Transfer Area
- Area to Amend

Map by: S. Burt, ASBGI  
 Date: June 3, 2020  
 Base: TxDOT Roadways 2015  
 Project: Sewer General Location Harris and Chambers Counties

Updated: April 13, 2020





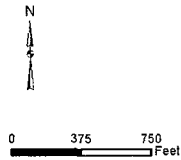
Undine Texas Environmental, LLC  
 Application to Transfer Nerro Supply, LLC, CCN No 20366 to Undine Texas Environmental, LLC, CCN No 20816  
 and to Amend CCN to Include Existing Customers and Correct Service Area  
 in Chambers, Harris and Liberty Counties



Detail Map - Maple Leaf Gardens in Harris County

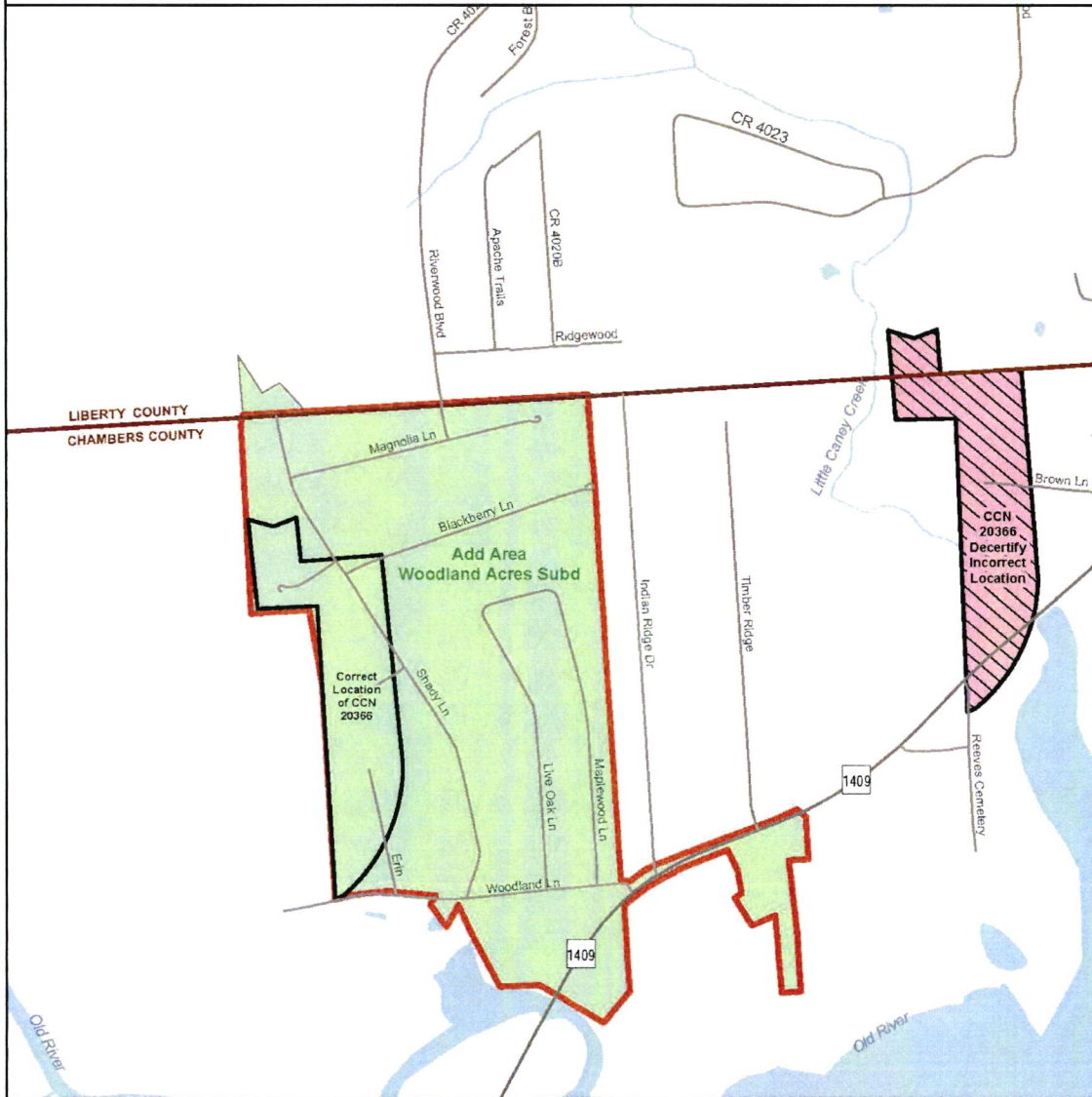
Requested Sewer Service Area to Transfer and Amend

-  CCN 20366 - Nerro Supply, LLC - Transfer Area
-  Area to Amend / Add



Map by S Burt, #SBGI  
 Date June 3, 2020  
 Base TxDOT 2015 Roadways  
 Project 20366\_Maple Leaf Detail Map

Undine Texas Environmental, LLC  
 Application to Transfer Nerro Supply, LLC, CCN No. 20366 to Undine Texas Environmental, LLC, CCN No. 20816  
 and to Amend CCN to Include Existing Customers and Correct Service Area  
 in Chambers, Harris and Liberty Counties



**Detail Map - Woodland Acres in Chambers and Liberty Counties**

N

0 600 1,200 Feet

**Requested Water Service Area to Transfer and Amend**

- CCN 20366 - Nerro Supply, LLC
- Decertify Portion of CCN 20366 - incorrect location
- Correct Location of CCN 20366
- Area to Amend / Add
- Overlap - Decertify Portion of Gulf Coast Waste Disposal Authority

Map by: S. Burt, ASBGI  
 Date: June 3, 2020  
 Base: TxDOT 2015 Roadways  
 Project: 20366\_Woodland Acres Detail Map