



Control Number: 50961



Item Number: 25

Addendum StartPage: 0

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DOCKET NO. 50961

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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
FILING CLERK
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 files this Recommendation on Sufficiency of Notice. In support, Staff shows the following:

I. BACKGROUND

On June 19, 2020, Nerro Supply, LLC (Nerro) and Undine Texas Environmental, LLC (Undine) (collectively, Applicants) filed an application for approval of the sale and transfer of facilities and certificate of convenience and necessity (CCN) rights in Chambers, Harris, and Liberty Counties. Undine, sewer CCN No. 20816, seeks approval to acquire facilities and to transfer all of Nerro’s service area under sewer CCN No. 20366, cancel CCN No. 20366, decertify a portion of Gulf Coast Waste Disposal Authority’s sewer CCN No. 20465, and add additional area to adjust CCN boundaries to properly cover the existing customers. The total area to be added to Undine’s CCN No. 20816 is 344 acres and includes current customers. Applicants filed supplemental information on July 1, July 6, August 19, and August 20, 2020.

On November 2, 2020, the administrative law judge (ALJ) filed Order No. 4, which established a deadline of November 30, 2020 for Staff to file a recommendation on sufficiency of notice. Therefore, this pleading is timely filed.

II. SUFFICIENCY OF NOTICE

Staff has reviewed the proof of notice submitted by Applicants and recommends that it be found sufficient under 16 Texas Administrative Code (TAC) § 24.239. Applicants filed proof that notice and maps were mailed to the persons and entities identified in Staff’s recommendation filed

on September 18, 2020 using the notices provided by Staff and that notice was published for two consecutive weeks in a newspaper of general circulation in Chamber, Harris, and Liberty Counties.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for the continued processing of this application:

Event	Date
Notice completed	October 23, 2020
Deadline to intervene	November 23, 2020 ¹
Deadline for Commission Staff to request a hearing or file a recommendation on approval of the sale and on the CCN amendment	December 22, 2020
Deadline for parties to file a response to Staff's recommendation on approval of the sale	January 6, 2021
Deadline for parties to file a joint motion to admit evidence and proposed order approving sale and allowing transaction to proceed.	January 20, 2021
120-day deadline for the Commission to approve the sale or require a hearing	February 22, 2021 ²

IV. CONCLUSION

For the reasons discussed above, Staff respectfully requests that Applicants' notice be found sufficient and that the proposed procedural schedule be adopted for further processing of this docket.

¹ Pursuant to 16 TAC § 24.239(b), the intervention period shall not be less than 30 days unless good cause is shown. Notice was mailed on October 12, 2020 and published on October 16 and October 23, 2020. Therefore, 30 days after October 23, 2020 is November 22, 2020. November 22, 2020 falls on a Sunday, which pushes the intervention deadline to November 23, 2020 under 16 TAC § 22.4(a).

² Pursuant to 16 TAC § 24.239(a) and (i), the deadline for Commission action is 120 days after the mailing or publication of notice, whichever occurs later. One hundred and twenty days after October 23, 2020 is February 20, 2021. Because February 20, 2021 falls on a Saturday, the deadline for Commission action is Monday, February 22, 2021 under 16 TAC § 22.4(a).

Dated: November 23, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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DOCKET NO. 50961

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 on November 23, 2020 in accordance with the Order Suspending Rules issued in Project No. 50664.

/s/ Merritt Lander
Merritt Lander