



Control Number: 50962



Item Number: 25

Addendum StartPage: 0

DOCKET NO. 50962

APPLICATION OF NERRO SUPPLY §
INVESTORS, LLC AND UNDINE §
TEXAS, LLC FOR SALE, TRANSFER §
OR MERGER OF FACILITIES AND §
CERTIFICATE RIGHTS IN §
MONTGOMERY COUNTY §
§

PUBLIC UTILITY COMMISSION
OF TEXAS



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

COMES NOW, Applicant, Undine Texas, 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.

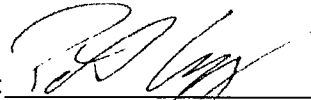
Attached as Exhibit C (submitted confidentially) is a list of recipients.

Attached as Exhibit D are the Publisher's Affidavit and tear sheets from the *Houston Business Journal*.

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

Respectfully submitted,

DuBois, Bryant & Campbell, LLP

By: 

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Austin, Texas 78701
pgregg@dbcllp.com
(512) 457-8000
(512) 457-8008 (fax)

Attorneys for Undine Texas, LLC

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:

Daniel Moore
Public Utility Commission of Texas
Legal Division
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326
daniel.moore@puc.texas.gov

Notice to Current Customers, Neighboring Systems, and Cities

UNDINE TEXAS, LLC, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 13260, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO TRANSFER WATER SERVICE AREA UNDER CCN NO. 10336 FROM NERRO SUPPLY INVESTORS, LLC IN MONTGOMERY COUNTY, TEXAS

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

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

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase all of Nerro Supply Investors, LLC water facilities and to transfer water certificated service area under CCN No. 10336 in Montgomery County, TX from:

Nerro Supply Investors, LLC PO Box 691008 Houston, Texas 77269
(Seller's Name) (Address) (City), (State) (Zip Code)

The sale is scheduled to take place if approved by the Commission (Texas Water Code § 13.301). The transaction and the transfer of the CCN includes the following subdivision:
White Oak Valley.

The requested area is located approximately 6.5 mile(s) south-southeast of downtown Cut and Shoot, Texas, and is generally bounded on the north by FM 2090; on the east by FM 1485; on the south by FM 3083; and on the west by FM 3083. The total requested area includes approximately 291 acres and 240 current customers.

The area to be transferred from Nerro Supply Investors, LLC is approximately 282 acres. The area to be amended/added is approximately 9 acres. **See enclosed map showing the requested area.**

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

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. 50962

STATE OF TEXAS
COUNTY OF Harris

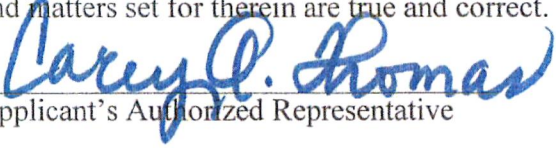
Undine Texas, LLC has provided individual notice to the following entities and customers:

Current Customers, Neighboring Utilities, and Affected Parties Related to Docket No. 50962

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

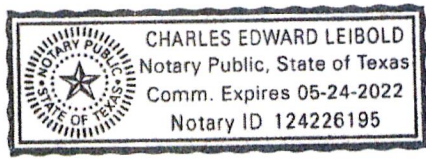


EXHIBIT C
LIST OF RECIPIENTS
CONFIDENTIAL

CONFIDENTIAL

DOCKET NO.: 50962

STYLE: Application of Nerro Supply Investors, LLC and Undine Texas, LLC for Sale, Transfer or Merger of Facilities and Certificate Rights in Montgomery County

SUBMITTING PARTY: Undine Texas, LLC

BRIEF DESCRIPTION OF CONTENTS: Exhibit C – List of Recipients

BATE STAMP OR SEQUENTIAL PAGE NUMBER RANGE: 9 to 14

ENVELOPE #: 1 OF 1

ADDITIONAL INFORMATION REQUIRED BY PROTECTIVE ORDER:

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. 50962

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:

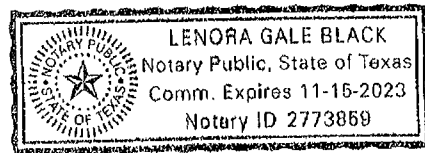
October 16, 2020 + October 23, 2020
(DATES)

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

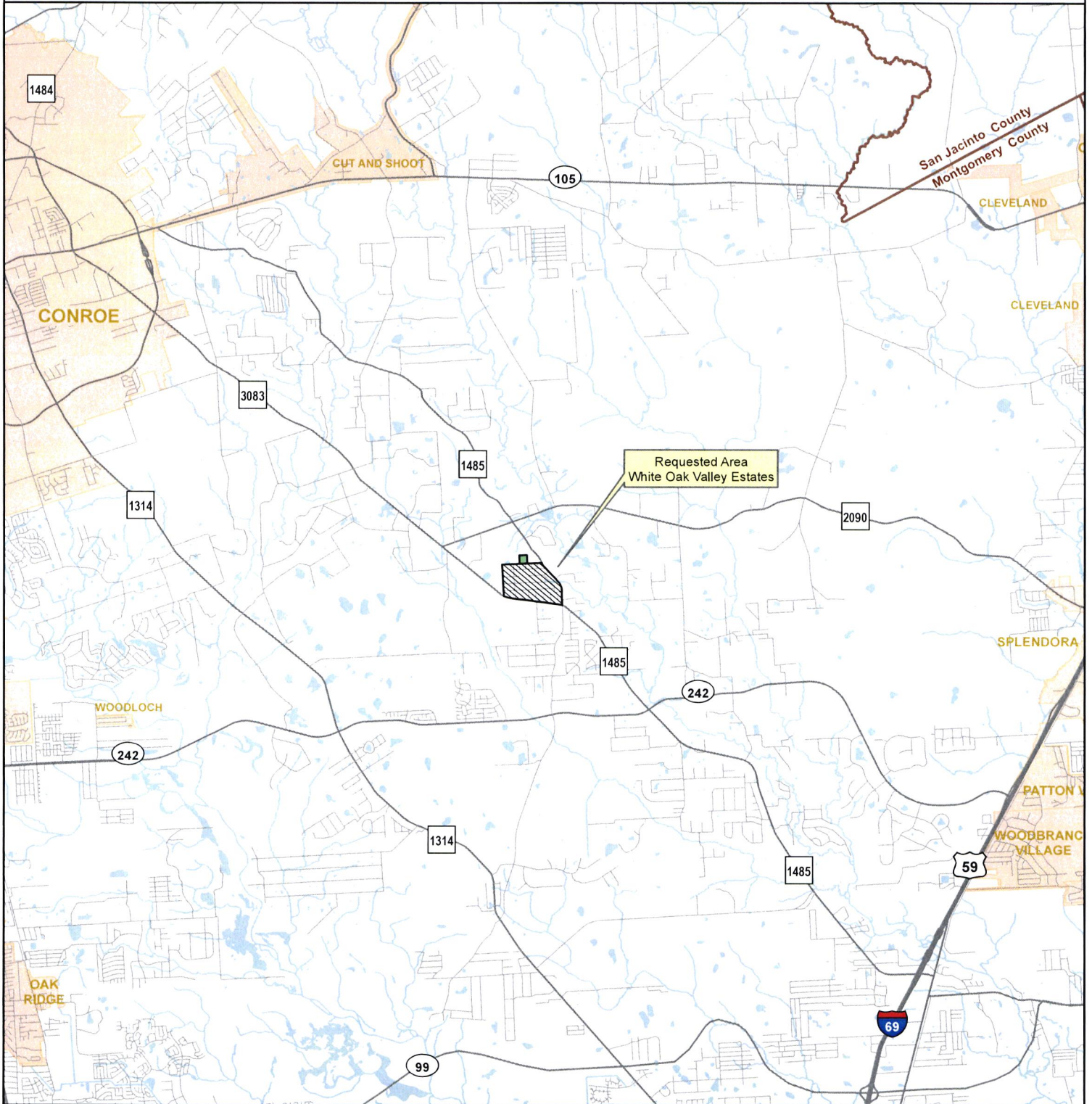


Commission Expires 11-15-2023

EXHIBIT E



MAPS

Undine Texas, LLC
 Application to Transfer Nerro Supply Investors, LLC, CCN No. 10336 to Undine Texas, LLC, CCN No. 13260
 and to Amend CCN to Include Existing Customers
 in Montgomery County



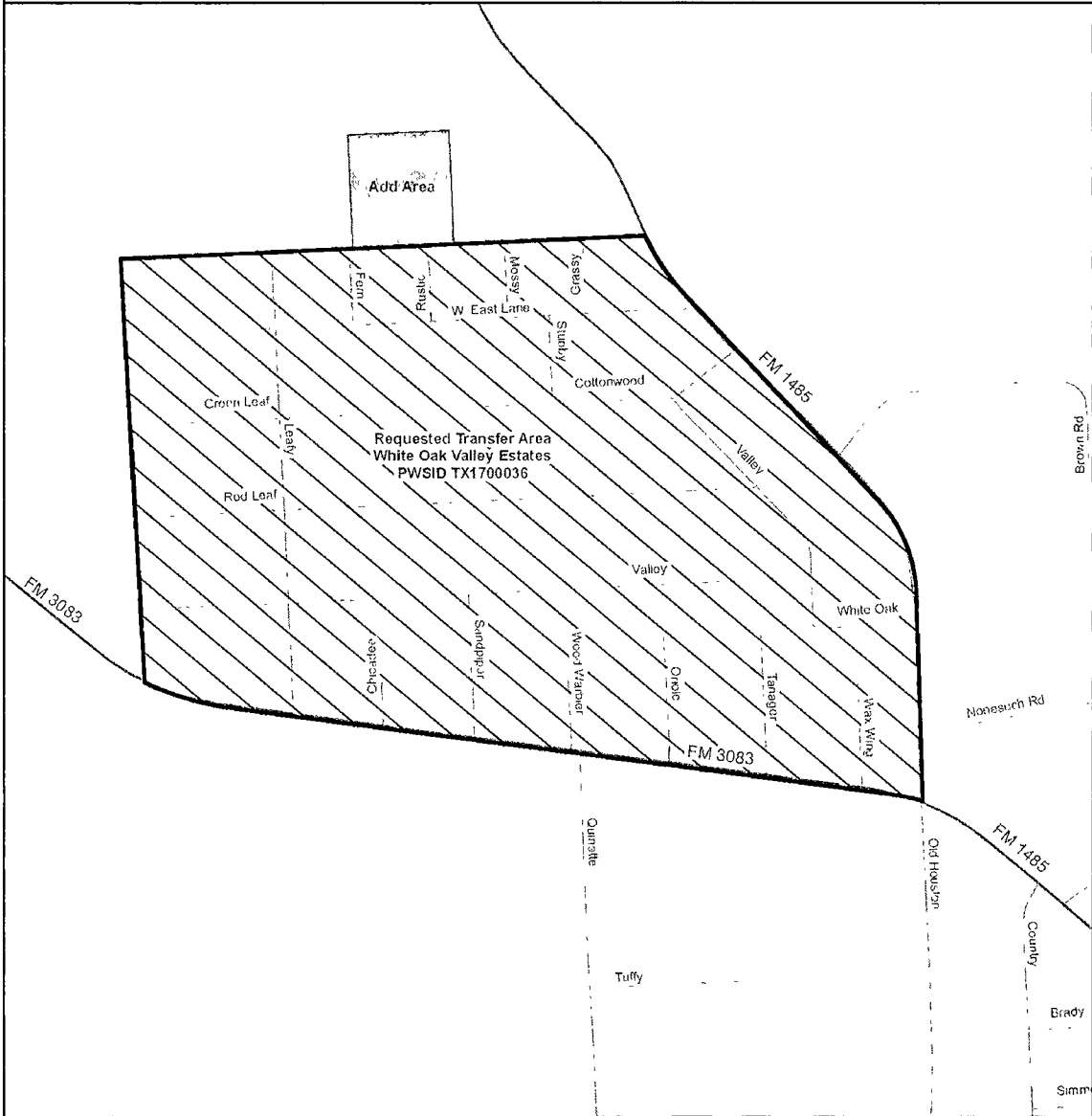
General Location

Requested Water Service Area to Transfer and Amend

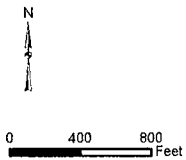
-  CCN 10336 - Nerro Supply Investors, LLC
-  Area to Amend / Add



Undine Texas, LLC
 Application to Transfer Nerro Supply Investors, LLC, CCN No 10336 to Undine Texas, LLC, CCN No 13260
 and to Amend CCN to include Existing Customers
 in Montgomery County



Detail Map



Requested Water Service Area to Transfer and Amend

| | |
|--|---|
| | CCN 10336 - Nerro Supply Investors, LLC |
| | Area to Amend / Add |

Map by S Butt, AS&GI
 Date June 1, 2020
 Base TXDOT Roadways 2015
 Project 10336_White Oak Valley Detail Map