

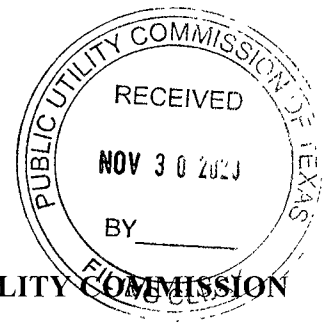


Control Number: 50962



Item Number: 27

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**

**COMMISSION STAFF’S RECOMMENDATION
ON SUFFICIENCY OF NOTICE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 4, files this Recommendation on Sufficiency of Notice. Staff recommends that notice be deemed sufficient. In support thereof, Staff shows the following:

I. BACKGROUND

On June 19, 2020, Nerro Supply Investors, 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 Montgomery County. Nerro and Undine seek to sell and transfer all of Nerro’s water service area and assets under Certificate of Convenience and Necessity (CCN) No. 10336 to Undine. The requested area includes approximately 282 acres and 240 connections. In addition, Undine seeks to amend its service area under CCN No. 13260 with 9 acres of uncertificated area. Applicants filed proof of notice on November 18, 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 its recommendation on sufficiency of notice. Therefore, this pleading is timely filed.

II. SUFFICIENCY OF NOTICE

Staff has reviewed the proof of notice filed by Applicants on November 18, 2020 and recommends that the notice be found sufficient. Applicants filed a publisher’s affidavit showing that notice was published in the *Houston Business Journal*, a newspaper of general circulation in Harris, Liberty, Chambers, and Montgomery Counties, on October 16 and 23, 2020. Further, Applicants filed an affidavit attesting to the provision of notice to current customers, neighboring

utilities, and affected parties on October 12, 2020. Applicants also filed a copy of the notice and maps sent, and a list of the persons that received notice.

Staff has reviewed Applicants' proof of notice and recommends that Applicants' have provided notice in accordance with Staff's Supplemental Recommendation on Administrative Completeness filed on September 18, 2020. Therefore, Staff recommends that the notice be deemed sufficient.

III. PROCEDURAL SCHEDULE

Staff recommends that notice be found sufficient; therefore, Staff proposes the following procedural schedule:

Event	Date
Notice completed	October 23, 2020 ¹
Deadline to intervene	November 23, 2020
Deadline for Staff to request a hearing or file a recommendation on approval of the sale and on the CCN amendment	December 23, 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 detailed above, Staff respectfully recommends that notice be found sufficient and that the proposed procedural schedule be adopted.

¹ Under 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 23, 2020. Therefore, 30 days after November 23, 2020.

² Under 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 Saturday, February 20, 2021. Because the Commission is not open for business on Saturday, the deadline is Monday, February 22, 2020 under 16 TAC § 22.4(a).

Dated: November 30, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

/s/ Daniel Moore

Daniel Moore
State Bar No. 24116782
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7465
(512) 936-7268 (facsimile)
Daniel.Moore@puc.texas.gov

DOCKET NO. 50962

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/ Daniel Moore

Daniel Moore