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**APPLICATION OF TERRA  
SOUTHWEST, INC. AND UNDINE  
TEXAS, LLC FOR SALE, TRANSFER,  
OR MERGER OF FACILITIES AND  
CERTIFICATE RIGHTS IN DENTON  
COUNTY**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF’S MOTION TO ABATE**

On December 16, 2020, Terra Southwest, Inc. (Terra Southwest) and Undine Texas, LLC (Undine) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Denton County. The requested area includes 1,325 acres and 867 connections. Supplemental information was filed on January 11 and 21, 2021 and April 12 and 13, 2021.

On March 16, 2021, Order No. 5 was filed, setting a deadline of April 26, 2021, for the Staff of the Public Utility Commission of Texas (Staff) to file a supplemental recommendation on the administrative completeness of the application, along with a proposed procedural schedule. This pleading, therefore, is timely filed.

**I. MOTION TO ABATE**

Staff requests to abate this proceeding due to what appear to be conflicting claims as to the utility that will purchasing Terra Southwest. Undine and Terra Southwest have provided information supporting the transaction contemplated in the present docket. However, in Project No. 49859, CSWR-Texas Utility Operating Company, LLC and Terra Southwest filed a Notice of Intent to Determine Fair Market Value.<sup>1</sup> In response, Undine filed an objection to the notice, a motion to intervene, and requested a hearing in that matter.<sup>2</sup>

Staff was not privy to any of the discussions that led to the filing of the instant application or the notice of intent to use fair market valuation nor does Staff have any information that would resolve the apparent dispute over who may purchase Terra Southwest. Therefore, Staff requests the abatement of the current proceeding to allow Terra Southwest, Undine, and CSWR to resolve this issue either withdraw this application or the notice of intent filed in Project No. 49859.

<sup>1</sup> *Notice of Intent to Determine Fair Market Value*, Project No. 49859, CSWR and Terra Southwest Notice of Intent to Determine Fair Market Value (Apr. 8, 2021).

<sup>2</sup> *Id.*, Undine Texas, LLC’s Objection to Notice and Motion to Intervene and Request for Public Hearing (Apr. 16, 2021).

**II. CONCLUSION**

Staff respectfully requests the issuance of an order consistent with the foregoing motion.

Dated: April 19, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Eleanor D'Ambrosio  
Managing Attorney

/s/ Creighton R. McMurray  
Creighton R. McMurray  
State Bar No. 24109536  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7275  
(512) 936-7268 (facsimile)  
creighton.mcmurray@puc.texas.gov

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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 on April 19, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Creighton R. McMurray  
Creighton R. McMurray