

**DOCKET NO. 52127**

FILED

2021 JUN 14 PM 1:26

**APPLICATION OF UNDINE §  
DEVELOPMENT LLC TO AMEND ITS §  
SEWER CERTIFICATE OF §  
CONVENIENCE AND NECESSITY IN §  
TRAVIS COUNTY §**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

PUBLIC UTILITY COMMISSION  
CLERK

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS AND NOTICE AND PROPOSED PROCEDURAL SCHEDULE**

On May 13, 2021, Undine Development, LLC (Undine) filed an application to amend its certificate of convenience and necessity (CCN) in Travis County, Texas. Undine holds sewer CCN number 20948. The requested service area consists of 17 acres, zero existing connections, and zero proposed connections. Undine filed supplemental information on May 14, 2021 and June 8, 2021

On May 19, 2021, the administrative law judge (ALJ) issued Order No. 1, establishing a deadline of June 14, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application and proposed notice and to propose a procedural schedule for the further processing of this docket. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the application and supplemental information, and, as detailed in the attached memoranda from Heidi Graham of the Infrastructure Division, and Fred Bednarski of the Rate Regulation Division, recommends that the application is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the application.

**II. NOTICE**

At this time, Staff recommends that Undine proceed with providing public notice to all landowners, neighboring utilities, political subdivisions, and other persons listed in the attached memorandum using the notice form provided by Ms. Graham. Along with each individual notice, Staff recommends that Undine provide an accurate map delineating the requested service area. Staff further recommends that Undine publish notice of the application for two consecutive weeks in a newspaper of general circulation in Travis County.

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Once notice has been provided, Staff recommends that Undine file proof of notice as described in the attached memorandum, including an affidavit specifying the name and address of every person and entity to whom notice was provided, the date that the notice was provided, and a copy of the map provided with the notice. Undine should also provide a completed publisher's affidavit and a copy of the newspaper tear sheets demonstrating publication. Finally, Staff recommends that Undine use the attached notices and affidavits to meet these requirements.

### **III. PROCEDURAL SCHEDULE**

Staff recommends the application be found administratively complete. Staff therefore proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Deadline for Undine to file with the Commission signed affidavits that the notice was given along with a copy of the notice and map sent to the affected parties and published in a newspaper of general circulation	July 29, 2021
Deadline for Staff to file a recommendation on sufficiency of notice	August 9, 2021
Deadline to intervene	30 days after notice is issued

### **IV. CONCLUSION**

For the reasons detailed above, Staff recommends that the application be found administratively complete, that Undine be directed to provide notice as described in Ms. Graham's attached memorandum, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: June 14, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Rustin Tawater  
Managing Attorney

/s/ Phillip Lehmann  
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**DOCKET NO. 52127**

**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 June 14, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Phillip Lehmann  
Phillip Lehmann

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Phillip Lehmann, Attorney  
Legal Division

**FROM:** Heidi Graham, Lead Engineering Specialist  
Infrastructure Division

**DATE:** June 14, 2021

**RE:** Docket No. 52127 – *Application of Undine Development LLC to Amend Its Sewer Certificate of Convenience and Necessity in Travis County*

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On May 13, 2021, Undine Development, LLC (Undine) filed with the Public Utility Commission of Texas (Commission) an application to amend its sewer CCN No. 20948 in Travis County, Texas under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

The requested area includes 0 current customers and approximately 17 acres of uncertificated area. The requested area includes approximately 17 acres of uncertificated area. The result of the application will be the addition of approximately 17 acres to CCN No. 20948.

Based on the mapping review by Tracy Montes, Infrastructure Division, the digital data filed on May 13, 2021, and the revised maps filed on June 8, 2021, are sufficient. Based on my technical and managerial review of the information filed by Undine with the application, I recommend that the application be deemed administratively complete. I further recommend that Undine be ordered to do the following:

- 1) Provide notice of the application by first-class mail to the following:
  - a. Cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area:
    - *Travis County MUD 4 (CCN No. 20654)*
    - *City of Austin*
    - *City of West Lake Hills*
    - *Lost Creek MUD*
    - *Lower Colorado River Authority*
    - *Travis County MUD 3*
    - *Travis County WCID 10*

- *Travis County WCID 19*
  - *Travis County WCID 20*
- b. The county judge of each county that is wholly or partially included in the requested area:
- *Travis County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
- *None*
- d. Each landowner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.
- e. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained by Undine from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. District information and addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <http://www14.tceq.texas.gov/iwud/>.

- 2) Publish notice once each week for two consecutive weeks in a newspaper having general circulation in the county where the requested area is located. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation. Within 30 days of the date the notice was mailed, Undine must file an affidavit specifying the notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.
- 3) Provide notice using the attached notice forms.
- 4) Provide a copy of the map(s) deemed sufficient during administrative review delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners, and customers.
- 5) File in the docket a copy of notice and the map(s) deemed sufficient during administrative review along with the signed affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit and tear sheets for proof of newspaper publication.
- 6) Supplement the application with a copy of the approval letter for the wastewater permit transfer from TCEQ once it is received. Undine must file the approval letter prior to Staff making a final recommendation on the application.

Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed, Staff may send requests for information (RFI) to Undine. Undine will have 20 days from the receipt of the RFI to respond.

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Phillip Lehmann, Attorney  
Legal Division

**FROM:** Fred Bednarski III, Financial Analyst  
Rate Regulation Division

**DATE:** June 14, 2021

**RE:** Docket No. 52127 - *Application of Undine Development LLC to Amend its Sewer Certificate and Necessity in Travis County*

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On May 13, 2021, Undine Development LLC filed an application to amend its sewer Certificate of Convenience and Necessity in Travis County under Subchapter G of Texas Water Code Chapter 13.

I reviewed the answers provided to questions 30 and 31 of the application. I did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, I recommend that the Commission deem the application administratively complete from a financial perspective.

***Notice for Publication***

NOTICE OF APPLICATION FOR UNDINE DEVELOPMENT, LLC TO AMEND A  
CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY  
SERVICE IN TRAVIS COUNTY, TEXAS

Undine Development, LLC has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 20948 for the provision of retail sewer utility service in Travis County, Texas.

The requested area overlaps the district boundaries of the Lower Colorado River Authority and Travis County WCID 10. If these districts do not request a public hearing, the Commission shall determine that the districts are consenting to Undine Development, LLC's request to provide retail sewer utility service in the requested area.

The requested area includes 0 current customers, is located approximately 5.7 miles northwest of downtown Austin, Texas, and is generally bounded on the north by Pascal Lane; on the east by State Loop 360 (North Capital of Texas Highway); on the south by Wild Basin Road South; and on the west by Saint Stephens School Road.

The requested area includes approximately 17 acres of uncertificated area. The result of the application will be the addition of approximately 17 acres to CCN No. 20948.

**A copy of the map showing the requested area is available at:** 17681 Telge Rd, Cypress TX 77429.

*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 a 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.

**Notice to Neighboring Systems, Landowners, Customers, and Cities**  
NOTICE OF APPLICATION AMEND A CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE SEWER UTILITY SERVICE IN TRAVIS COUNTY , TEXAS

To: \_\_\_\_\_  
(Neighboring System, Landowner, Customer or City)  
  
\_\_\_\_\_  
(Address)  
  
\_\_\_\_\_  
(City State Zip)

Date Notice Mailed: \_\_\_\_\_, 20\_\_

Undine Development, LLC has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 20948 for the provision of retail sewer utility service in Travis County, Texas.

The requested area overlaps the district boundaries of the Lower Colorado River Authority and Travis County WCID 10. If these districts do not request a public hearing, the Commission shall determine that the districts are consenting to Undine Development, LLC’s request to provide retail sewer utility service in the requested area.

The requested area includes 0 current customers, is located approximately 5.7 miles northwest of downtown Austin, Texas, and is generally bounded on the north by Pascal Lane; on the east by State Loop 360 (North Capital of Texas Highway); on the south by Wild Basin Road South; and on the west by Saint Stephens School Road.

The requested area includes approximately 17 acres of uncertificated area. The result of the application will be the addition of approximately 17 acres to CCN No. 20948.

**See enclosed map showing 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.*

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

# PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES  
DOCKET NO. 52127

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ has provided individual notice to the following entities, landowners and customers:

	DATE OF NOTICE
_____	_____
_____	_____
_____	_____
_____	_____

### OATH

I, \_\_\_\_\_, being duly sworn, file this form as \_\_\_\_\_ (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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

Commission Expires \_\_\_\_\_

# PUBLIC UTILITY COMMISSION OF TEXAS



## PUBLISHER'S AFFIDAVIT DOCKET NO. 52127

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_,  
who being by me duly sworn, deposes and that (s)he is the

\_\_\_\_\_ of the \_\_\_\_\_  
(TITLE) (NAME OF NEWSPAPER)

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

and generally circulated in \_\_\_\_\_, Texas;  
(COUNTY/COUNTIES)

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

\_\_\_\_\_  
(DATES)

\_\_\_\_\_  
(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_,  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

Commission Expires \_\_\_\_\_