



Filing Receipt

Filing Date - 2024-06-10 10:34:52 AM

Control Number - 52502

Item Number - 139

DOCKET NO. 52502

APPLICATION OF TEXAS WATER	§	PUBLIC UTILITY COMMISSION
SYSTEMS, INC. AND UNDINE, LLC	§	
FOR SALE, TRANSFER, OR MERGER	§	OF TEXAS
OF FACILITIES AND CERTIFICATE	§	
RIGHTS IN GREGG, HENDERSON,	§	
SMITH, AND UPSHUR COUNTIES	§	
	§	

ORDER NO. 35
ADDRESSING SUPPLEMENTAL NOTICE, DENYING GOOD CAUSE
WAIVER, ADMITTING SUPPLEMENTAL EVIDENCE, AND REQUIRING
CLARIFICATION

This Order addresses the clarifications regarding notice and Undine, LLC’s related request for good cause waiver of the notice requirements in 16 Texas Administrative Code (TAC) § 24.245(d)(2)(A), and Commission Staff’s June 6, 2024 motion to admit additional evidence into the record of this proceeding.

On June 5, 2024, Undine filed a supplement to the application consisting of the supplemental affidavit of Vance Tillman, chief financial officer of Undine, attesting that supplemental notice was provided to current customers, landowners, neighboring systems, and cities within the requested area on June 5, 2024, and to landowners having tracts of land that are 25 or more acres wholly or partially within the requested area on June 5, 2024.

On June 6, 2024, Commission Staff filed its supplemental response to Order No. 32 and motion to admit evidence in which it recommends that notice under 16 TAC § 24.245(d)(2)(A) is sufficient as it pertains to the four landowners within the 12 acres for which the applicants request decertification and that a good cause waiver to the rule is unnecessary.

The administrative law judge (ALJ) agrees with Commission Staff that a good cause exception to 16 TAC § 24.245(d)(2)(A) is unnecessary and denies Undine’s request for the exception. The ALJ grants Commission Staff’s motion to admit evidence and admits the following supplemental evidence into the record of this proceeding:

1. Undine’s response to Order No. 32 filed on February 22, 2024;

2. Undine's supplement to the application and all attachments filed on June 5, 2024; and
3. Commission Staff's supplemental response to Order No. 32 and attached memorandum filed on June 6, 2024.

Finally, the ALJ requires clarification as to the accuracy of the proposed certificate for Undine attached to the parties' December 18, 2023 joint motion to admit supplemental evidence and joint proposed notice of approval. By June 24, 2024, the parties must confirm that the proposed certificate correctly identifies all counties in which Undine has a CCN or file an accurate certificate.

Signed at Austin, Texas the 10th day of June 2024.

PUBLIC UTILITY COMMISSION OF TEXAS



**KATIE MOORE MARX
ADMINISTRATIVE LAW JUDGE**