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DOCKET NO. 52502

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

COMMISSION STAFF’S RECOMMENDATION ON SUFFICIENCY OF NOTICE

On September 2, 2021, Texas Water Systems, Inc. (TWS) and Undine Development, LLC (Undine) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Gregg, Henderson, Smith, and Upshur counties. Specifically, Undine, water Certificate of Convenience and Necessity (CCN) No. 12407, seeks approval to acquire facilities and to transfer a portion of the water service area from TWS under water CCN No. 12473. Additionally, Undine is requesting to amend its CCN to add uncertificated service area and for dual certification with Pritchett Water Supply Corporation, CCN No. 10478, and Crystal Systems Texas, Inc., CCN No. 10804. The Applicants filed supplemental information on September 14, 2021, September 27, 2021, November 4, 2021, November 5, 2021, December 7, 2021, December 23, 2021, January 24, 2022, and February 1, 2022.

On February 8, 2022, the administrative law judge (ALJ) filed Order No. 6, establishing a deadline of March 23, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on the sufficiency of notice. Therefore, this pleading is timely filed.

I. SUFFICIENCY OF NOTICE

Staff has reviewed the proof of notice submitted by the Applicants and recommends that it be found sufficient under 16 Texas Administrative Code (TAC) § 24.239(c). On March 10, 2022, the Applicants filed the affidavit of Carey A. Thomas, Senior Vice President of Undine, attesting that notice was mailed to the persons and entities identified in Staff’s supplemental recommendation, filed on February 18, 2022 using the notices provided by Staff and the maps deemed sufficient by Staff. Undine also provided the Publisher’s Affidavits and corresponding

newspaper tear sheets of the Longview News Journal, a newspaper of general circulation in Gregg County, stating that notice was circulated in said newspaper for two consecutive weeks on February 11 and 18, 2022; the Athens Daily Review, a newspaper of general circulation in Henderson County, stating that notice was circulated in said newspaper for two consecutive weeks on February 19 and 26, 2022; the Tyler Morning Telegraph, a newspaper of general circulation in Smith County, stating that notice was circulated in said newspaper for two consecutive weeks on February 11 and 18, 2022; and The Gilmer Mirror, a newspaper of general circulation in Upshur County, stating that notice was circulated in said newspaper for two consecutive weeks on February 17 and 24, 2022. Therefore, Staff recommends that the notice provided is sufficient.

II. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for the continued processing of this application:

Event	Date
Notice Completed	February 26, 2022
Deadline to intervene	March 28, 2022 ¹
Deadline for Staff to request a hearing or file a recommendation on approval of the sale	May 12, 2022
Deadline for parties to file a response to Staff's recommendation on approval of the sale	May 30, 2022
Deadline for parties to file a joint motion to admit evidence and proposed order approving the sale and allowing the transaction to proceed	June 13, 2022
120-day deadline for the Commission to approve the sale or require a hearing	June 27, 2022 ²

¹ Under 16 TAC § 24.239(b), the intervention period shall not be less than 30 days unless good cause is shown. Notice was last published on February 26, 2022. Therefore, 30 days after February 26, 2022 is March 28, 2022.

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. 120 days after February 26, 2022 is June 26, 2022, which is a Sunday; therefore, the deadline moves to June 27, 2022, the next day the agency is open for business.

III. CONCLUSION

For the reasons detailed above, Staff respectfully requests that the Applicants' notice be found sufficient and that the proposed procedural schedule be adopted for further processing of this docket.

Dated: March 23, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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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 via electronic mail on March 23, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Jenna Keller
Jenna Keller