



## Filing Receipt

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**DOCKET NO. 52797**

**APPLICATION OF CONROE RESORT UTILITIES, LLC AND UNDINE TEXAS, LLC ANDUNDINE TEXAS ENVIRONMENTAL, LLC FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN MONTGOMERY COUNTY** §  
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**PUBLIC UTILITY COMMISSION OF TEXAS**

**ORDER NO. 11  
FINDING APPLICATION ADMINISTRATIVELY COMPLETE, NOTICE SUFFICIENT, AND REQUIRING BRIEFING**

This Order addresses the sufficiency of the November 8, 2021 application and August 25, 2022 amended application of Conroe Resort Utilities, LLC and Undine Development, LLC for the sale, transfer, or merger of facilities and certificate rights in Montgomery County. On August 26 and 30, 2022, Conroe and Undine supplemented the amended application.

On September 20, 2022, Commission Staff filed a recommendation regarding completeness of the application and notice.

The administrative law judge (ALJ) finds the application and amended application, as supplemented, administratively complete and notice sufficient.

Commission Staff further requested that the ALJ make a determination that the phased-in rates approved by the Commission in Docket No. 50017<sup>1</sup> will be used in this proceeding under Texas Water Code (TWC) § 13.3011. Commission Staff recommends that, although when the initial application in this docket was filed on November 8, 2021, the phased rates approved in Docket No. 50017 were in phase two, and when the applicants filed the amended application on August 25, 2022, the phased rates were in phase three, the rates in this docket should start at phase one. The ALJ is of the opinion that the phase one and two rates may be considered historical and are not in force as is required by TWC § 13.3011. The ALJ requires briefing from the parties

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<sup>1</sup> *Application of Pure Utilities, LC and Undine Texas, LLC for Sale, Transfer, or Merger of Water Facilities and Certificate Rights in Liberty, Polk, San Jacinto, and Tyler Counties, and to Decertify a Portion of Pure Utilities, LC's Certificated Area and to Amend Uncertificated Water Service Area in Liberty and Polk Counties, Docket No. 50017, Notice of Approval (March 4, 2021).*

addressing whether they agree with Commission Staff's interpretation of TWC § 13.3011 and recommendation, and if not, provide their interpretation and recommendation.

By October 18, 2022, the parties must file the required briefing and Commission Staff must file a revised proposed procedural schedule. The procedural schedule adopted in Order No. 10 is suspended.

**Signed at Austin, Texas the 27th day of September 2022.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**KATIE MOORE MARX  
ADMINISTRATIVE LAW JUDGE**