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DOCKET NO. 52797

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

COME NOW Undine Texas, LLC, and Undine Texas Environmental, LLC (collectively, the Applicants) and file this Request for Clarification seeking clarification of the Applicants’ date for authorization to close the transaction.

I.

DISCUSSION

Pursuant to Order No. 11 (Docket ID No. 52797-118), the Administrative Law Judge (“ALJ”) determined the Applicants’ notice of the amended application to be complete. Pursuant to the Applicants’ confirmation of notice (Docket Id. No. 52797-110), the notice was completed on August 15, 2022. Texas Water Code § 13.301 and Commission Rule 16 Tex. Admin. Code § 24.239 provide that before the expiration of the 120-day notice period the commission will determine whether to require a public hearing to determine if the transaction will serve the public interest. Texas Water Code § 13.301(e); Commission Rule 16 Tex. Admin. Code § 24.239(h). The statute and regulations also provide that unless the Commission holds a public hearing, then the parties may complete the transaction at the end of the notice period. Texas Water Code § 13.301(f); 16 Tex. Admin. Code § 24.239(i).

Based on the pleadings and evidence in the docket, the 120-day notice period concluded on December 15, 2022.¹ The Parties received no determination by that date that the commission would require a public hearing. The Applicants seek clarification from the ALJ regarding the interpretation of Texas Water Code § 13.301 and Commission Rule 16 Tex. Admin. Code § 24.239 in light of the expiration of the 120-day period. The Applicants interpret those provisions to allow the Applicants to complete the transaction as of December 16, 2022. The Applicants request

¹ That Applicants note that the ALJ declined to identify the 120-day deadline for the Commission to approve the sale or require a hearing in Order No. 11 or otherwise.

confirmation from the ALJ regarding that interpretation, or, alternatively, confirmation of the ALJ's interpretation otherwise and, if so, the ALJ's intended procedural path forward considering the statutory and regulatory provisions recited herein.

II.

CONCLUSION

The Applicants respectfully request the ALJ's clarification as set forth above.

Respectfully submitted,

GREGG LAW PC



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Undine Texas Environmental, LLC**

CERTIFICATE OF SERVICE

As indicated by my signature above, I, Peter Gregg, 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 December 16, 2022 in accordance with the Order Suspending Rules, issued in Project No. 50664 .