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APPLICATION OF CONROE RESORT UTILITIES, LLC AND UNDINE DEVELOPMENT, LLC FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN MONTGOMERY COUNTY	§ § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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COMMISSION STAFF’S REPLY TO UNDINE’S RESPONSE TO ORDER NO. 17

I. INTRODUCTION

On November 8, 2021, Conroe Resort Utilities, LLC (Conroe) and Undine Development, LLC (Undine) (jointly, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in Montgomery County. On August 25, 2022, the application was amended to replace Undine Development, LLC with Undine Texas, LLC (Undine Texas) and Undine Texas Environmental, LLC (Undine Texas Environmental) as the applicants.

On March 3, 2023, Undine filed a response to Order No. 17. Under 16 Texas Administrative Code § 22.78, responsive pleadings are due within five working days after receipt of the pleading to which the response is made. Five working days after March 3, 2023, is March 10, 2023. Therefore, this pleading is timely filed.

II. COMMISSION STAFF’S REPLY

In Undine’s response to Order No. 17, Undine states that it has completed notice and concluded the transaction within the time period allotted by 16 TAC § 24.239, and therefore, does not need to re-notice customers, as required by Order No. 17. Staff disagrees. Staff contends that the transaction was prematurely and improperly concluded prior to Commission approval. Staff also contends that compliance with Order No. 17 is obligatory and not optional, particularly since the ALJ withdrew its finding of notice sufficiency in Order No. 14. Staff intends to address these arguments in more detail in its March 17, 2023 recommendation on the sufficiency of notice but wanted to ensure it responded to Undine’s motion in the time allotted by Commission rules.

III. CONCLUSION

Staff respectfully requests that the foregoing information be taken into consideration by the ALJ.

Dated: March 10, 2023

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 10, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Ian Groetsch
Ian Groetsch