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BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS

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

ORDER CERTIFYING ISSUE TO THE COMMISSION AND ABATING CASE

On September 18, 2023, Conroe Resort Utilities, LLC, Undine Texas, LLC, and Undine Texas Environmental, LLC, (together Applicants); Staff of the Public Utility Commission (Commission Staff); and the Office of Public Utility Counsel (OPUC) filed a Joint Request for Certification of an issue to the Public Utility Commission of Texas (Commission). Amongst the parties that filed the Joint Request, they indicate there are no factual disputes at issue in this proceeding between the Parties. The following persons, who were previously granted intervenor status by the Commission Administrative Law Judge (ALJ), did not appear at the August 25, 2023 prehearing conference and did not submit a response

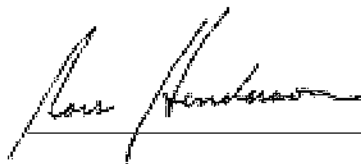
to the Joint Request for Certification: Richard Poole; Eugene Barrington; Jean Niland-McGrath; J.K. Harvill; Kyle Pryor; and Deborah Grazian. Therefore, the Intervenor's positions are unknown.

Pursuant to 16 Texas Administrative Code § 22.127, the ALJ certifies the following issue to the Commission:

Whether the Commission, as part of the approval of an STM application submitted pursuant to Texas Water Code § 13.3011, can authorize the implementation of a phase of a tariff that is different than the phase of the tariff in place at the time of the submittal of the application.¹

This proceeding will remain ABATED while the certified issue is pending.

Signed September 27, 2023.



Ross Henderson,

Presiding Administrative Law Judge

¹ The ALJ notes that the Joint Request for Certification stated, "Commission Staff's current rulemaking project to implement Texas Water Code § 13.3011, Project No. 53924, provides that the Commission may charge phase-one rates of a phase-in tariff regardless of the phase in place at the time of the submittal of the application."