



## **Filing Receipt**

**Filing Date - 2023-11-20 04:25:15 PM**

**Control Number - 52797**

**Item Number - 283**

**SOAH DOCKET NO. 473-23-23621  
PUC DOCKET NO. 52797**

<b>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</b>	<b>§ § § § § §</b>	<b>BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS</b>
--	--	---

**JOINT MOTION FOR REMAND**

**I.  
BACKGROUND**

On November 8, 2021, Conroe Resort Utilities, LLC (Conroe Resort) and Undine Development, LLC (Undine Development) (together, the “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 with Undine Texas, LLC and Undine Texas Environmental, LLC (together, “Undine”) as the applicants.

**II.  
MOTION FOR REMAND**

On September 18, 2023, Conroe Resort and Undine, together with Staff of the Public Utility Commission (Commission Staff); and the Office of Public Utility Counsel (OPUC) (collectively, the "Parties"), filed a Joint Request for Certification of an issue to the Commission pursuant to the prehearing conference held in this matter on August 25, 2023 and pursuant to SOAH Order No. 2 issued on August 25<sup>th</sup>.

The Parties sought certification of a single issue, which the Parties considered to be dispositive to the outcome of the matter pending in this hearing. The issue the Parties sought to certify is as follows:

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.

On November 3, 2023, the Commission determined that, under TWC § 13.3011, it can authorize a person who files an application for sale, transfer, or merger under TWC § 13.301(a) to charge initial rates for service under a phase in an in-force tariff that is different than the phase of the tariff in place on the date the application is filed. The Applicants, OPUC, and Commission Staff previously agreed to implement phased-in rates beginning with Undine's year one rates in the tariff attached to the application.

With the Commission having made a determination on that single dispositive issue and the Parties being in agreement on the issue, the Parties respectfully request that this matter be remanded to the Commission to allow the Parties to enter into a settlement of the matter.

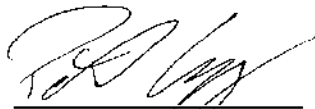
### **III. CONCLUSION**

Based on the foregoing, the Parties respectfully request that this matter be remanded to the Commission to allow Staff to file a revised recommendation.

Dated: November 13, 2023

Respectfully submitted,

**GREGG LAW PC**



Peter T. Gregg  
State Bar No. 00784174  
910 West Ave., No. 3  
Austin, Texas 78701  
Phone: 512-522-0702  
Fax: 512-727-6070  
[pgregg@gregglawpc.com](mailto:pgregg@gregglawpc.com)

**Attorneys for Undine Texas, LLC and  
Undine Texas Environmental, LLC**

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Marisa Lopez Wagley  
Division Director

/s/ Ian Groetsch  
Ian Groetsch

State Bar No. 24078599  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
Phone: (512) 936-7465  
Fax: (512) 936-7268  
[ian.groetsch@puc.texas.gov](mailto:ian.groetsch@puc.texas.gov)

**OFFICE OF PUBLIC UTILITY COUNSEL**

Courtney K. Hjältman  
Chief Executive & Public Counsel  
State Bar No. 24070294

/s/ Kourtnee Jinks

Kourtnee Jinks  
Assistant Public Counsel  
State Bar No. 24097146  
Chris Ekoh  
Deputy Public Counsel  
State Bar No. 06507015  
1701 N. Congress Avenue, Suite 9-180  
P.O. Box 12397  
Austin, Texas 78711-2397  
512-936-7534 (Telephone)  
512-936-7525 (Facsimile)  
[kourtnee.jinks@opuc.texas.gov](mailto:kourtnee.jinks@opuc.texas.gov) (Service)  
[opuc\\_eservice@opuc.texas.gov](mailto:opuc_eservice@opuc.texas.gov) (Service)

**PUC DOCKET NO. 52797**

**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 November 20, 2023 in accordance with the Order Suspending Rules, issued in Project No. 50664.