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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**

**SOAH ORDER NO. 4
DENYING JOINT MOTION FOR REMAND**

On November 20, 2023, Conroe Resort and Undine, together with Staff of the Public Utility Commission; and the Office of Public Utility Counsel, filed a Joint Motion for Remand (Motion). The joining parties to the Motion indicated that there was only one issue in dispute among them, whether under Texas Water Code § 13.3011, the Commission can authorize a person who files an application for sale, transfer, or merger under Texas Water Code § 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. They state that that issue was answered

in the affirmative in the Commission’s November 3, 2023, Order on Certified Issues. The motion is DENIED.

The ALJ does not find that the Motion is ripe for consideration because it does not include stipulations evidencing that there are no outstanding issues and does not state the positions of the following persons, who were previously granted intervenor status by the Commission ALJ:¹ Richard Poole; Eugene Barrington; Jean Niland-McGrath; J.K. Harvill; Kyle Pryor; and Deborah Grazian.² Accordingly, the motion is premature.

The parties may re-urge their motion with a finalized settlement package that includes: a settlement agreement, list of any exhibits to be admitted, and a proposed order for the Commission’s review.³

To that end, the ALJ adopts the following schedule:

Date	Activity
December 15, 2023	Deadline for settlement package submittal
December 20, 2023	Deadline for any persons to object to uncontested dismissal.

¹ Those intervenors did not appear at the August 25, 2023, prehearing conference and have not made any filings since the matter was referred to SOAH.

² Commission Order Nos. 22 (Apr. 20, 2023), 26 (May 11, 2023).

³ See 16 Tex. Admin. Code § 22.35(b)(2).

After December 19, 2023, if the matter is uncontested by agreement of all named parties, or the remaining intervenors fail to respond, this matter will be remanded to the Commission for uncontested processing.

SIGNED November 28, 2023.

A handwritten signature in black ink, appearing to read "Ross Henderson", is written above a solid horizontal line.

Ross Henderson,

Presiding Administrative Law Judge