



## **Filing Receipt**

**Filing Date - 2024-04-18 03:16:14 PM**

**Control Number - 52797**

**Item Number - 296**

**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. 7**

**GRANTING SECOND JOINT MOTION TO ADMIT EVIDENCE; DENYING  
MOTION TO ADOPT PROPOSED ORDER; PROVIDING NOTICE OF  
INTENT TO REMAND; AND ESTABLISHING DEADLINE TO OBJECT TO  
REMAND**

**NOTICE OF INTENT TO REMAND: This Order Provides Notice of Intent  
to Remand this matter to the Commission for approval and establishes a  
deadline to object to the remand. If no intervenor timely objects, the requested  
remand will be deemed UNOPPOSED.**

This matter was referred to mediation on February 12, 2024. A mediation report was issued on March 7, 2024 which indicated a resolution was reached and the matter was referred back to the Presiding Administrative Law Judge. On April 9, 2024, Conroe Resort Utilities, LLC, Undine Texas, LLC, and Undine Texas Environmental, LLC (collectively, the Applicants), together with the staff (Staff) of the Public Utility Commission of Texas (Commission) filed a Second Joint Motion to Admit Supplemental Evidence and Proposed Order Approving the Sale and Transfer to Proceed (the Motion). No party has timely filed a response to the Motion.

## **I. ADMITTING EVIDENCE**

The Motion seeks to admit the following evidence into the record of this proceeding:

1. Joint request for certification, filed on September 18, 2023 (AIS Item No. 279);
2. Joint request for referral to mediation, filed on January 25, 2024 (AIS Item No. 289); and
3. SOAH mediation report, filed on March 7, 2024 (AIS Item No. 292).

The evidence is ADMITTED.

## **II. DENYING REQUEST TO ADOPT PROPOSED ORDER**

The Motion also requests that a Proposed Order Approving the Sale and Transfer to Proceed be adopted. The parties have cited no authority by which

SOAH may approve such an order on behalf of the Commission. Accordingly, to the extent the parties request the ALJ to approve the order, the Motion is DENIED.

Instead, the ALJ interprets the request as a Motion for Remand to the Commission for approval of the Proposed Order.

**III. NOTICE OF INTENT TO REMAND AND ESTABLISHING DEADLINE TO OBJECT TO REMAND**

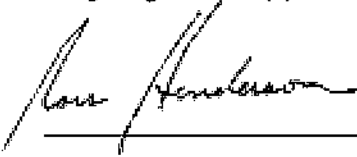
Although the mediation report states a resolution was reached in this matter, it does not state which parties participated in the mediation. Further, a Settlement Agreement was not offered into evidence. Finally, the Motion was filed by only Applicants and Staff and does not state the position of OPUC or any of the other remaining Intervenors. Therefore, the ALJ provides this Notice of Intent to Remand the matter, and establishes the following deadlines:

<b>Date</b>	<b>Activity</b>
<b>April 26, 2024</b>	<p>Deadline for any persons to object to uncontested dismissal and remand.</p> <p>For persons objecting: Deadline for Position Statement which explains the party’s position on all of the issues referred by the Commission in the Preliminary Order</p>
<b>May 10, 2024</b>	<p>If any party timely objects to uncontested dismissal and remand, then the settlement agreement is not</p>

	unanimous and Applicant is ORDERED to confer with the parties and submit a proposed procedural schedule which includes three alternative dates for a hearing on the nonunanimous settlement agreement.
--	--

**Signed April 18, 2024.**

ALJ Signature(s):



Ross Henderson,

Presiding Administrative Law Judge