



Filing Receipt

Received - 2022-03-24 03:05:25 PM

Control Number - 52797

ItemNumber - 55

DOCKET NO. 52797

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
	§	
	§	
	§	

COMMISSION STAFF’S RESPONSE TO ORDER NO. 5

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. Applicants seek approval to acquire facilities and to transfer all of Conroe’s water and sewer service area under water CCN No. 11942 and sewer CCN No. 20638 to Undine. The application reflects a requested area of 282 acres and 294 water customer connections and 289 sewer customer connections. Applicants filed supplemental information on November 9, 2021.

On March 21, 2022, the administrative law judge (ALJ) filed Order No. 5 requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to clarify its March 17, 2022 extension request by March 24, 2022. Therefore, this pleading is timely filed.

I. RESPONSE TO ORDER NO. 5

On March 8, 2022, Eugene Barrington submitted a filing in which he protested the proposed transaction that is the subject of this docket and requested to “intervene in the action.”¹ Based on the plain language of his letter, it appears Mr. Barrington intends to intervene and become a party in the case. However, the filing did not include a phone number or email address that could be used to confirm that assumption. In Order No. 4, issued on March 1, 2022, the ALJ listed various protestants that had similarly submitted ambiguous requests and ordered them to file a clear motion to intervene by March 15, 2022, if they intended to become a party in the case. Considering Mr. Barrington’s request is similarly ambiguous, Staff believes it is appropriate to

¹ *Application of Conroe Resort Utilities, LLC and Undine Development LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Montgomery County, Docket No. 52797, Item No. 47 Email of Protest Sent to Customer Protection (Mar. 8, 2022).*

afford him the same opportunity to clarify whether he intends to intervene as a party. Accordingly, Staff respectfully requests the entry of an order giving Mr. Barrington until April 1, 2022, to file a clear motion to intervene and provide a justiciable interest showing he may be adversely affected by the outcome of this proceeding. In order to take Mr. Barrington's request into account and to examine the application and proposed rate increase more fully, Staff also respectfully requests the entry of an order extending the deadline for Staff to file a request for hearing or its final recommendation to April 14, 2022.

II. CONCLUSION

Staff respectfully requests the entry of an order consistent with the foregoing recommendations.

Dated: March 24, 2022

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rustin Tawater
Managing Attorney

/s/ Ian Groetsch
Ian Groetsch
State Bar No. 24078599
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7465
(512) 936-7268 (facsimile)
Ian.Groetsch@puc.texas.gov

DOCKET NO. 52797

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 24, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Ian Groetsch
Ian Groetsch