



## Filing Receipt

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<b>APPLICATION OF TERRA</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>SOUTHWEST, INC. AND UNDINE</b>	<b>§</b>	
<b>TEXAS, LLC FOR SALE, TRANSFER,</b>	<b>§</b>	<b>OF TEXAS</b>
<b>OR MERGER OF FACILITIES AND</b>	<b>§</b>	
<b>CERTIFICATE RIGHTS IN DENTON</b>	<b>§</b>	
<b>COUNTY</b>		

**COMMISSION STAFF’S CLARIFICATION UPDATE**

**I. INTRODUCTION**

On February 17, 2023, Staff submitted a clarification stating, *inter alia*, that it would submit an updated clarification once Undine Texas, LLC’s (Undine) confidential document had been uploaded. The confidential document was uploaded late on February 17, 2023, so Staff hereby updates its February 17, 2023, clarification.

**II. CLARIFICATION UPDATE**

In Order No. 20, the ALJ asks whether Undine is able to satisfy the leverage test while relying on a guaranty agreement between Undine Development and Undine Group, LLC. As stated in its previous pleading, when this application was originally filed, a guaranty agreement was filed between Undine Group, LLC and Undine Development, LLC, the original applicant. After Undine supplemented the application to replace Undine Development, LLC with Undine, it failed to include an updated guaranty agreement between Undine Group, LLC and Undine. On February 17, 2023, Undine filed an updated guaranty agreement, which is now between Undine Group, LLC and Undine.<sup>1</sup> Accordingly, Staff can confirm that Undine satisfies the leverage test.

**III. CONCLUSION**

Staff respectfully requests that the foregoing information be taken into consideration by the ALJ.

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<sup>1</sup> Confidential Exhibit A – Guaranty (Feb. 17, 2023).

Dated: February 21, 2023

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**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 February 21, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Ian Groetsch  
Ian Groetsch