



## 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 RECOMMENDATION ON REVISED NOTICE**

**I. INTRODUCTION**

On November 16, 2021, Terra Southwest, Inc. (Terra) and Undine Development, LLC, filed an application for approval of the sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in Denton County. On August 26, 2022, the application was supplemented to replace Undine Development, LLC with Undine Texas, LLC (Undine).

On February 3, 2023, the administrative law judge (ALJ) filed Order No. 23, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on revised notice by March 24, 2023. Therefore, this pleading is timely filed.

**II. RECOMMENDATION ON REVISED NOTICE**

Staff has reviewed the revised proof of notice provided by Undine and recommends that notice is sufficient. Specifically, Undine provided an affidavit of notice dated February 16, 2023, and signed by Carey Thomas, Senior Vice President of Undine, showing that notice explicitly referencing Rate Year 3 of the phase-in rates was provided on February 9, 2023, to its current customers, landowners, neighboring utilities, and affected parties, as well as the maps that were attached to the provided notice. Undine also provided copies of its publication and publisher’s affidavit, showing that notice was published in the *Denton Record-Chronicle*, a newspaper of general circulation in Denton County, on February 12 and 19, 2023. Therefore, Staff recommends that the notice provide by Undine be deemed sufficient for further processing of this matter.

**III. CONCLUSION**

For the reasons detailed above, Staff respectfully recommends that Undine’s revised proof of notice be found sufficient.

Dated: March 24, 2023

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Marisa Lopez Wagley  
Interim Division Director

John Harrison  
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

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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 March 24, 2023, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Ian Groetsch  
Ian Groetsch