



Filing Receipt

Filing Date - 2023-06-01 11:17:07 AM

Control Number - 52852

Item Number - 126

DOCKET NO. 52852

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

**ORDER NO. 26
REQUIRING CLARIFICATION ON NOTICE**

This Order addresses the need for clarification on notice in light of Commissioner Jackson’s memorandum in Docket No. 51651.¹ In proceedings involving approval of the sale, transfer, or merger of facilities or certificate rights (STM) notice must be mailed by first-class mail to each owner of a tract of land that is at least 25 acres and is wholly or partially included in the requested area according to the most current tax appraisal rolls of the applicable central appraisal district at the time the Commission received the application for the STM. Proof of notice that includes the names and mailing address, but does not identify which tracts of land in the requested area are at least 25 acres and who owns those tracts of land is not sufficient evidence of notice, as required under Texas Water Code § 13.246(a-1) and 16 Texas Administrative Code § 24.235(b)(2).²

By June 8, 2023, Terra Southwest, Inc. and Undine Texas, LLC must file an affidavit that notice has been mailed by first-class mail to each owner of a tract of land that is at least 25 acres and is wholly or partially included in the area proposed to be certified according to the most current tax appraisal rolls of the applicable central appraisal district at the time the Commission received the application for the STM. Further, Terra Southwest and Undine must supplement their proof of notice by providing a copy of applicable appraisal district maps overlaid with the requested area, a list of the landowners with properties wholly or partially in the requested area, and the acreage owned by each listed owner. If there are no landowners with a tract of land that is at least 25 acres and is wholly or partially included in the requested area, Terra Southwest and Undine must file an affidavit confirming the same.

¹ *Application of Waters of Vista Ranch Water Supply Corporation and Aqua Water Supply Corporation for Sale, Transfer, or Merger of Facilities and Certificate Rights in Fayette County*, Docket No. 51646, Commissioner Jackson Memorandum (May 10, 2023).

² *Id.* at 2.

By June 15, 2023, Commission Staff must file a recommendation on the sufficiency of the supplemental notice.

Signed at Austin, Texas the 1st day of June 2023.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'Isaac TA', written over a horizontal line.

**ISAAC TA
ADMINISTRATIVE LAW JUDGE**