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Filing Date - 2023-06-15 09:28:18 AM

Control Number - 52852

Item Number - 130

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		

COMMISSION STAFF'S RECOMMENDATION ON SUPPLEMENTAL 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 June 1, 2023, the administrative law judge filed Order No. 26, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on the sufficiency of the supplemental notice by June 15, 2023. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON SUPPLEMENTAL NOTICE

Staff has reviewed the supplemental proof of notice provided by Undine and recommends that it is sufficient. Specifically, Undine provided an affidavit of notice dated June 6, 2023, and signed by Carey Thomas, Senior Vice President of Undine, attesting that there are no owners of a tract of land that is at least 25 acres and is wholly or partially included in the area proposed to be certified. Therefore, Staff recommends that the supplemental notice provided by Undine be deemed sufficient for further processing of this matter.

On June 12, 2023, Undine also provided an affidavit of notice dated June 7, 2023, and signed by Vince Tillman, Chief Financial Officer of Undine, attesting that notice was provided on June 1, 2023, to its current customers and affected parties in the Hilltown Addition subdivisions in Oak Point, Wellington Trace, and Gates at Waters Edge. This notice was intended to correct an omission from Undine's February 22, 2023 proof of notice when Undine failed to include the detail map for the Hilltown Addition subdivisions in Oak Point, Wellington Trace, and Gates at Waters Edge. With this filing, Undine attests that it has corrected this omission and resent notice with the missing map to those customers and affected parties who had not received a copy of the map of

the affected service area. As Undine has corrected this omission, Staff recommends that the revised notice provided by Undine be deemed sufficient for further processing of this matter.

III. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that Undine's proofs of notice be found sufficient.

Dated: June 15, 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 June 15, 2023, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Ian Groetsch
Ian Groetsch