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DOCKET NO. 52852

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

**COMMISSION STAFF’S REQUEST FOR EXTENSION OR ALTERNATIVELY
COMMISSION STAFF’S REQUEST FOR ABATEMENT**

On November 16, 2021, Terra Southwest, Inc. (Terra) and Undine Development, LLC (Undine), (collectively, Applicants), filed an application for the sale, transfer, or merger of facilities and certificate rights in Denton County.

On November 17, 2021, Order No. 1 was issued establishing a deadline of December 16, 2021, for Staff (Staff) of the Public Utility Commission of Texas (Commission), to file comments on the administrative completeness of the application and proposed notice and propose a procedural schedule. Therefore, this pleading is timely filed.

**I. REQUEST FOR EXTENSION AND ALTERNATIVELY REQUEST FOR
ABATEMENT**

Pursuant to 16 TAC § 22.4(b), Staff may request that the time allowed for filing any documents be extended for good cause. On December 13, 2021 Undine filed additional mapping details and supplemental information. Also on December 13, 2021, Central State Water Resources, Inc. (CSWR-Texas) filed motion for reconsideration, or alternatively, appeal of Order No. 2. In Order No. 2, dated December 7, 2021, the administrative law judge (ALJ) denied CSWR-Texas’ motion to intervene, filed November 23, 2021. Staff respectfully requests the entry of an order extending the deadline for Staff to file comments on the administrative completeness of the application and proposed notice and propose a procedural schedule until January 14, 2021 should CSWR-Texas’ motion for reconsideration be denied.

Alternatively, should the ALJ grant CSWR-Texas’ motion to intervene, Staff respectfully requests the abatement of the current proceeding to allow Terra Southwest, Undine, and CSWR-Texas to resolve this issue either and withdraw this application or withdraw the notice of intent

filed in Project No. 49859.¹ If the current proceeding is abated, Staff further respectfully requests that Terra Southwest, Undine, and CSWR-Texas be directed to file monthly status reports on the efforts of the parties to resolve their dispute.

II. CONCLUSION

Staff respectfully requests the entry of an order consistent with the above request for extension.

Dated: December 15, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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/s/ John Harrison

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¹ *Notice of Intent to Determine Fair Market Value*, Project No. 49859, CSWR and Terra Southwest Notice of Intent to Determine Fair Market Value (Apr. 8, 2021).

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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 December 15, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Harrison

John Harrison