



Filing Receipt

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DOCKET NO. 52852

**APPLICATION OF TERRA
SOUTHWEST, INC. AND UNDINE
DEVELOPMENT, LLC FOR SALE,
TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE
RIGHTS IN DENTON COUNTY**

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**PUBLIC UTILITY COMMISSION

OF TEXAS**

UNDINE DEVELOPMENT, LLC RESPONSE TO ORDER NO. 5

COMES NOW, Applicant, Undine Development, LLC ("Undine") and files this Response to Order No. 5. Order No. 5 establishes a deadline of February 4, 2022 to provide the information contained herein. Accordingly, this response is timely filed.

Attached as Exhibit A is the notice to affected parties and an affidavit of delivery and notice the maps associated with Undine's application.

Attached as Exhibit (submitted confidentially) is the list of recipients.

Respectfully submitted,

Gregg Law PC



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Austin, Texas 78701
Phone: 512-522-0702
Fax: 512-727-6070
pgregg@gregglawpc.com

Attorneys for Undine Development, LLC.

CERTIFICATE OF SERVICE

I certify pursuant to the above signature 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 3, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

EXHIBIT A

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES DOCKET NO. 52852

STATE OF TEXAS
COUNTY OF Harris

Undine Development, LLC has provided individual notice to the following entities and customers:

Current Customers, Landowners, Neighboring Utilities, and Affected Parties

DATE OF NOTICE
February 1, 2022

OATH

I, Carey A. Thomas, being duly sworn, file this form as Senior Vice President (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set forth therein are true and correct.

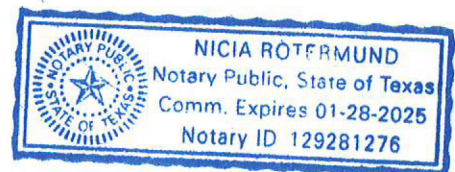
Carey A. Thomas
Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this 2nd day of February, 2022 to certify which witness my hand and seal of office.

Nicia Rotermund
Notary Public in and for the State of Texas

Nicia Rotermund
Print or Type Name of Notary Public



Commission Expires January 28, 2025
Notice Form Updated: October 22, 2021

Notice to Current Customers, Landowners, Neighboring Systems, and Cities
UNDINE DEVELOPMENT, LLC, CERTIFICATE OF CONVENIENCE AND NECESSITY
(CCN) NO. 12407, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO
TRANSFER WATER SERVICE AREA UNDER CCN NO. 11608 FROM TERRA
SOUTHWEST, INC. IN DENTON COUNTY, TEXAS

To: Current Customers, Landowners, Neighboring Systems, and Cities

Date Notice Mailed: February 1, 2022

<u>Undine Development, LLC</u>	<u>17681 Telge Road</u>	<u>Cypress, TX</u>	<u>77429</u>
(Purchaser's Name)	(Address)	(City), (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase all of the water facilities and to transfer water certificated service area under CCN No. 11608 in Denton County, TX from:

<u>Terra Southwest, Inc.</u>	<u>P.O. Box 140</u>	<u>Alvord, TX</u>	<u>76225</u>
(Seller's Name)	(Address)	(City), (State)	(Zip Code)

The sale is scheduled to take place if approved by the Commission (Texas Water Code § 13.301). The transaction and the transfer of the CCN includes the following subdivisions:
East Ponder Estates and Hilltown Addition.

The requested area overlaps the district boundaries of the Upper Trinity Regional Water District. If Upper Trinity Regional Water District does not request a public hearing, the Commission shall determine that the district is consenting to the Undine Development, LLC's request to provide retail water utility service in the requested area.

East Ponder Estates:

The requested area includes 109 current customers, is located approximately 8 mile(s) southwest of downtown Denton, Texas, and is generally bounded on the north by H Lively Road; on the east by Ed Robson Boulevard; on the south by a line approximately .25 mile south of Seaborn Road; and on the west by Florance Road.

The requested area includes approximately 453 acres, comprised of 453 acres of transferred area from Terra Southwest Inc. (CCN No. 11608).

Hilltown Addition:

The requested area includes 758 current customers, is located approximately 9 mile(s) east-southeast of downtown Denton, Texas, and is generally bounded on the north by Martingale Trail and Shahan Prairie Road; on the east by Shahan Prairie Road and Lewisville Lake; on the south by Lewisville Lake and FM 710 and on the west by Lewisville Lake and Yacht Club Road.

The requested area includes approximately 886.4 acres, comprised of:

0.4 acres of uncertificated area;

868 acres of transferred area from Terra Southwest Inc. (CCN No. 11608); and

18 acres of dual certificated area with Town of Little Elm (CCN No. 11202).

The result of the application will be the addition of approximately 1,339.4 acres to Undine Development LLC (CCN No. 12407) and the subtraction of approximately 1,321 acres from Terra Southwest Inc. (CCN No. 11608).

Approximately 1,321.4 acres will be single certification with Undine Development LLC (CCN No. 12407); and 18 acres will be dual certification between Undine Development LLC (CCN No. 12407) and the Town of Little Elm (CCN No. 11202).

See enclosed map showing the requested area.

The proposed transaction may change the current customers' rates and services to the current approved rates and services of Undine Development, LLC, which are higher than the current rate for a 5/8" meter for Terra Southwest, Inc. To view a copy of the current approved tariff, go to: <https://undinellc.com/Tariff/Undine%20Development%20Water%20Tariff.pdf>

OR email info@undinellc.com or call (713) 574-5953 to request a copy.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large-scale map, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.

Persons who wish to request this option should file the required documents with the:

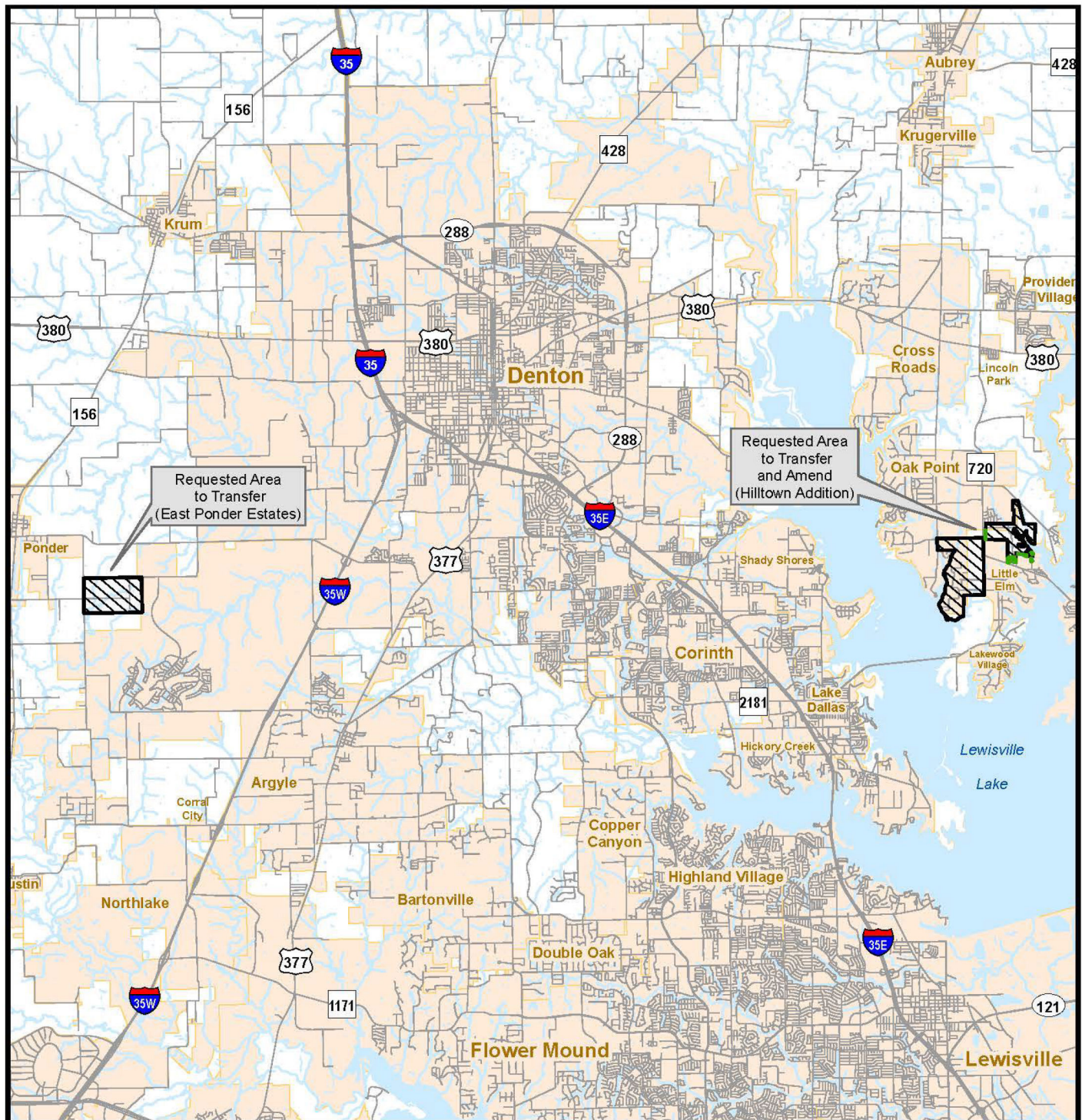
Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

Si desea información en español, puede llamar al 1-888-782-8477.

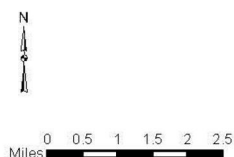
Carey Thomas
Utility Representative

Undine Development, LLC
Utility Name





General Location

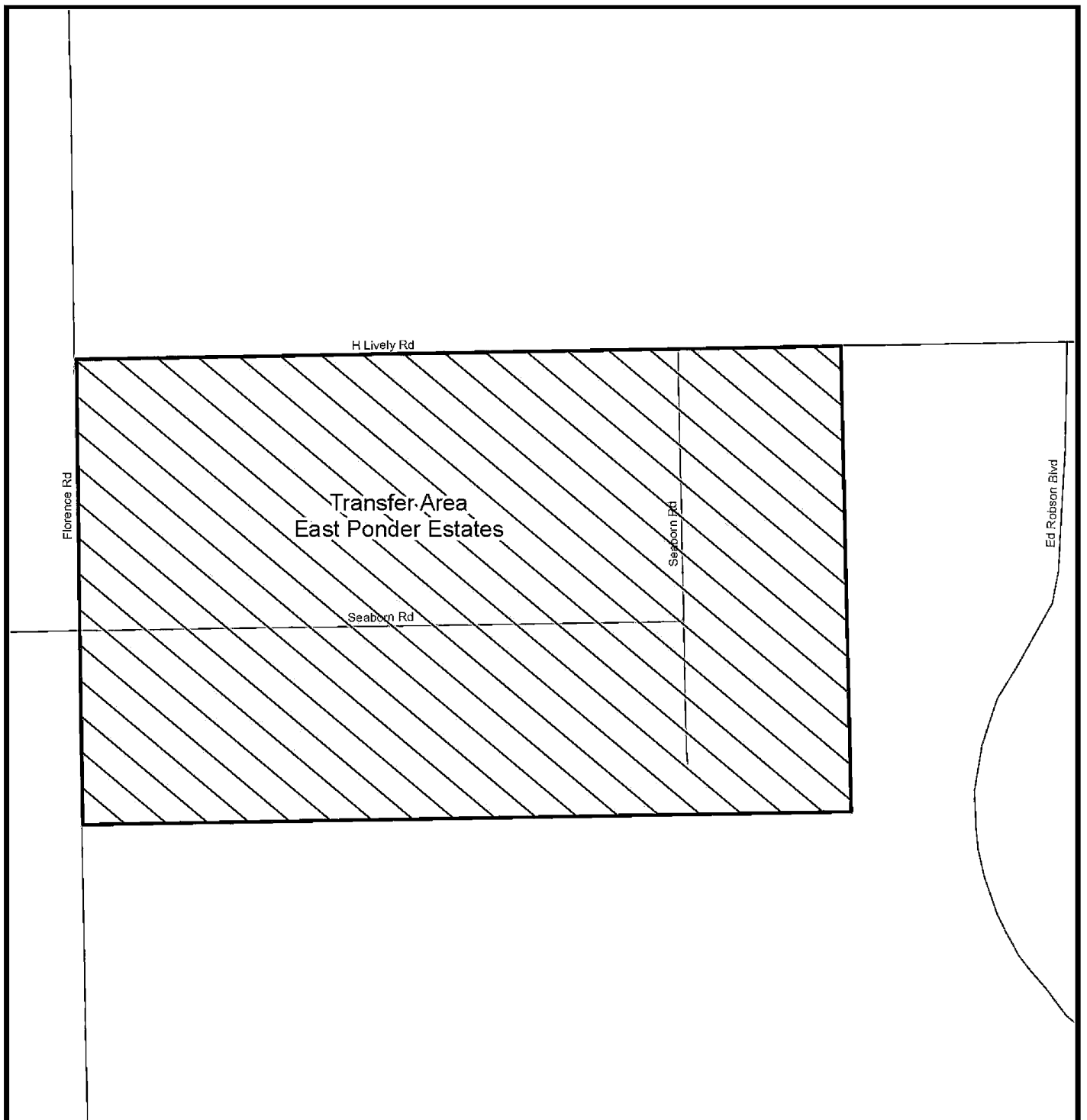
Undine Development, LLC
 Application to Transfer Terra Southwest, Inc., CCN No. 11608 to Undine Development, LLC, CCN No. 12407
 and to Amend CCN to Include Existing Customers and Request Dual Certification with Town of Little Elm, CCN No. 11202
 in Denton County



Requested Water Service Area to Transfer and Amend

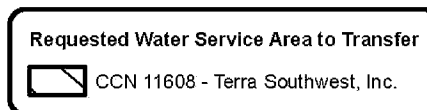
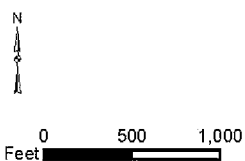
-  CCN 11608 - Terra Southwest, Inc
-  Amend to Add Existing Customers within Hilltown Addition

Map by: S. Burt, ASBGI
 Date: Feb 23, 2020
 Base: TxDOT Roadways 2015
 Project: General Location

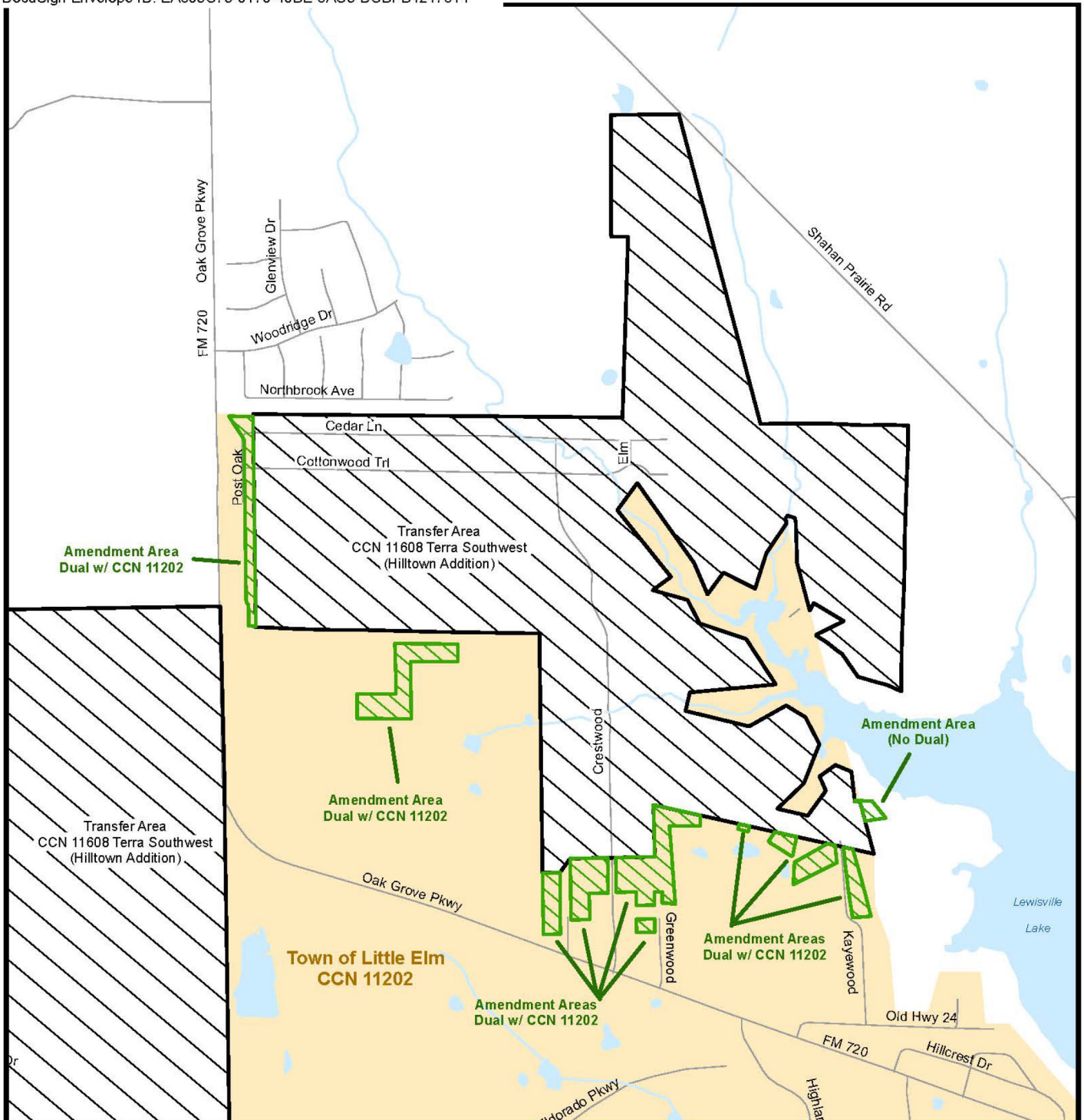


Detail Map- East Ponder Estates

Undine Development, LLC
 Application to Transfer Terra Southwest, Inc., CCN No. 11608 to Undine Development, LLC, CCN No. 12407
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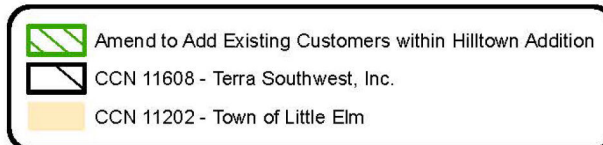
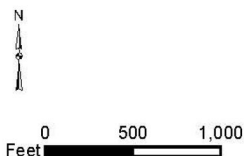


Map by: S. Burt, ASBGI
 Date: Feb 23, 2020
 Base: TxDOT Roadways 2015
 Project: Detail Map East Ponder



Hilltown Addition Amendment Areas - REVISED

Undine Development, LLC
 Application to Transfer Terra Southwest, Inc., CCN No. 11608 to Undine Development, LLC, CCN No. 12407
 and to Amend CCN to Include Existing Customers and Request Dual Certification with Town of Little Elm, CCN No. 11202
 in Denton County



Map by: S. Burt, ASBGI
 Date: March 15, 2021
 Base: TxDOT roadways 2015
 Project: Hilltown Addition Amend

EXHIBIT B

CONFIDENTIAL

DOCKET NO.: 52852

**STYLE: APPLICATION OF TERRA SOUTHWEST, INC. AND
UNDINE DEVELOPMENT, LLC
FOR SALE, TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE RIGHTS IN
MONTGOMERY COUNTY**

SUBMITTING PARTY: Undine Development, LLC

BRIEF DESCRIPTION OF CONTENTS:
Exhibit B – Applicant’s Response to Order No. 5

BATE STAMP OR SEQUENTIAL PAGE NUMBER RANGE:
App - 13 - App - 31

ENVELOPE #: 1 OF 1

**ADDITIONAL INFORMATION REQUIRED BY PROTECTIVE
ORDER:**

DATE SUBMITTED TO COMMISSION: February 3, 2022