



## Filing Receipt

**Received - 2022-02-17 01:27:02 PM**  
**Control Number - 52852**  
**ItemNumber - 30**

**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**

§  
§  
§  
§  
§  
§

**PUBLIC UTILITY COMMISSION  
  
OF TEXAS**

**UNDINE DEVELOPMENT, LLC SUPPLEMENTAL RESPONSE TO ORDER NO. 5**

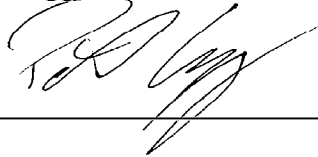
COMES NOW, Applicant, Undine Development, LLC ("Undine") and files this  
Supplemental Response to Order No. 5.

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

Attached as Exhibit B is a supplement to the list of recipients.

Respectfully submitted,

**Gregg Law PC**



---

Peter T. Gregg  
State Bar No. 00784174  
910 West Ave., No. 3  
Austin, Texas 78701  
Phone: 512-522-0702  
Fax: 512-727-6070  
[pgregg@gregglawpc.com](mailto: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 17, 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:

Landowners, Neighboring Utilities,  
and Affected Parties

DATE OF NOTICE  
February 16, 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 for 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 16 day of February, 20 22  
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 16, 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](mailto: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

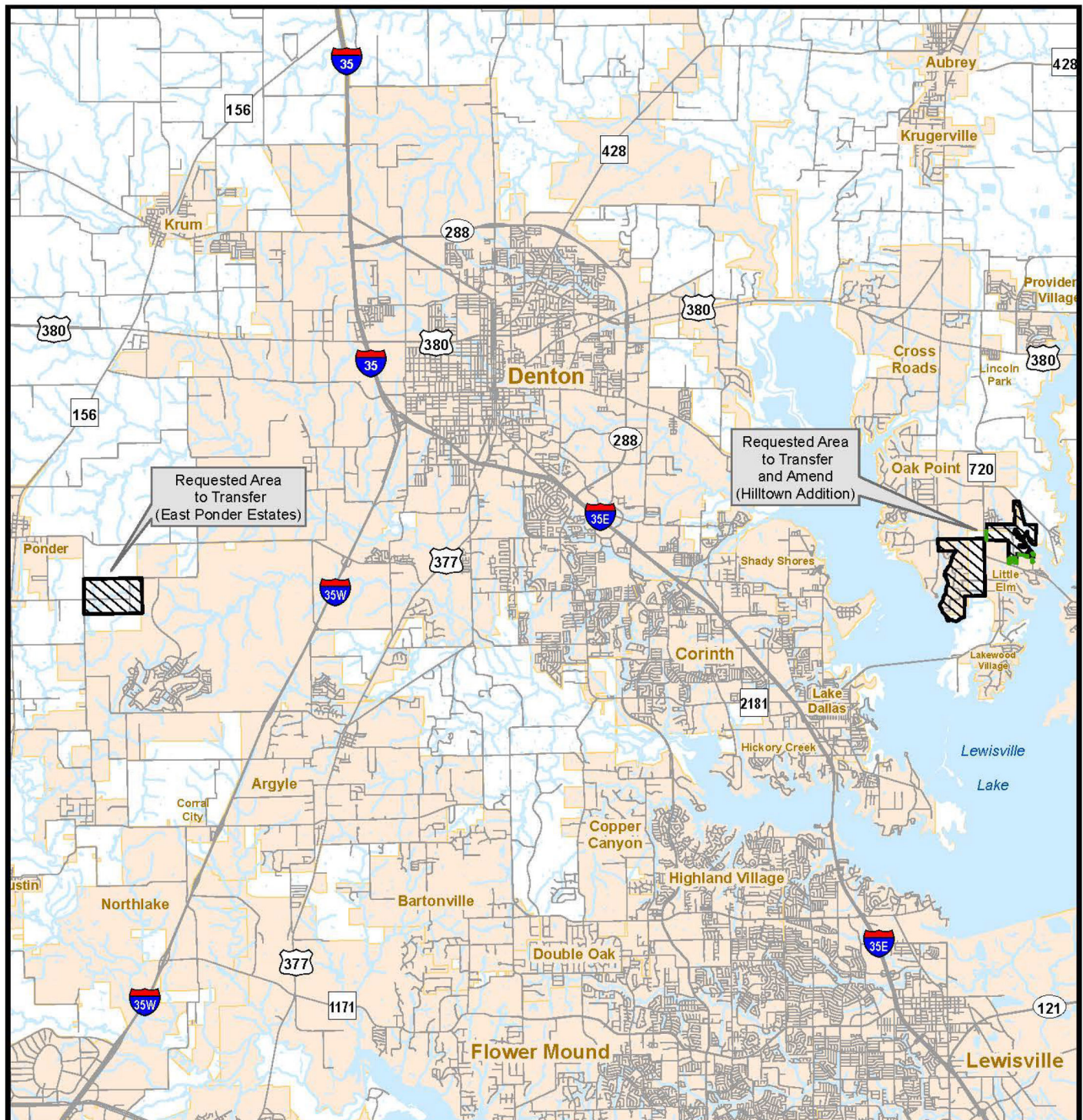
In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

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

Carey Thomas  
Utility Representative

Undine Development, LLC  
Utility Name







### General Location

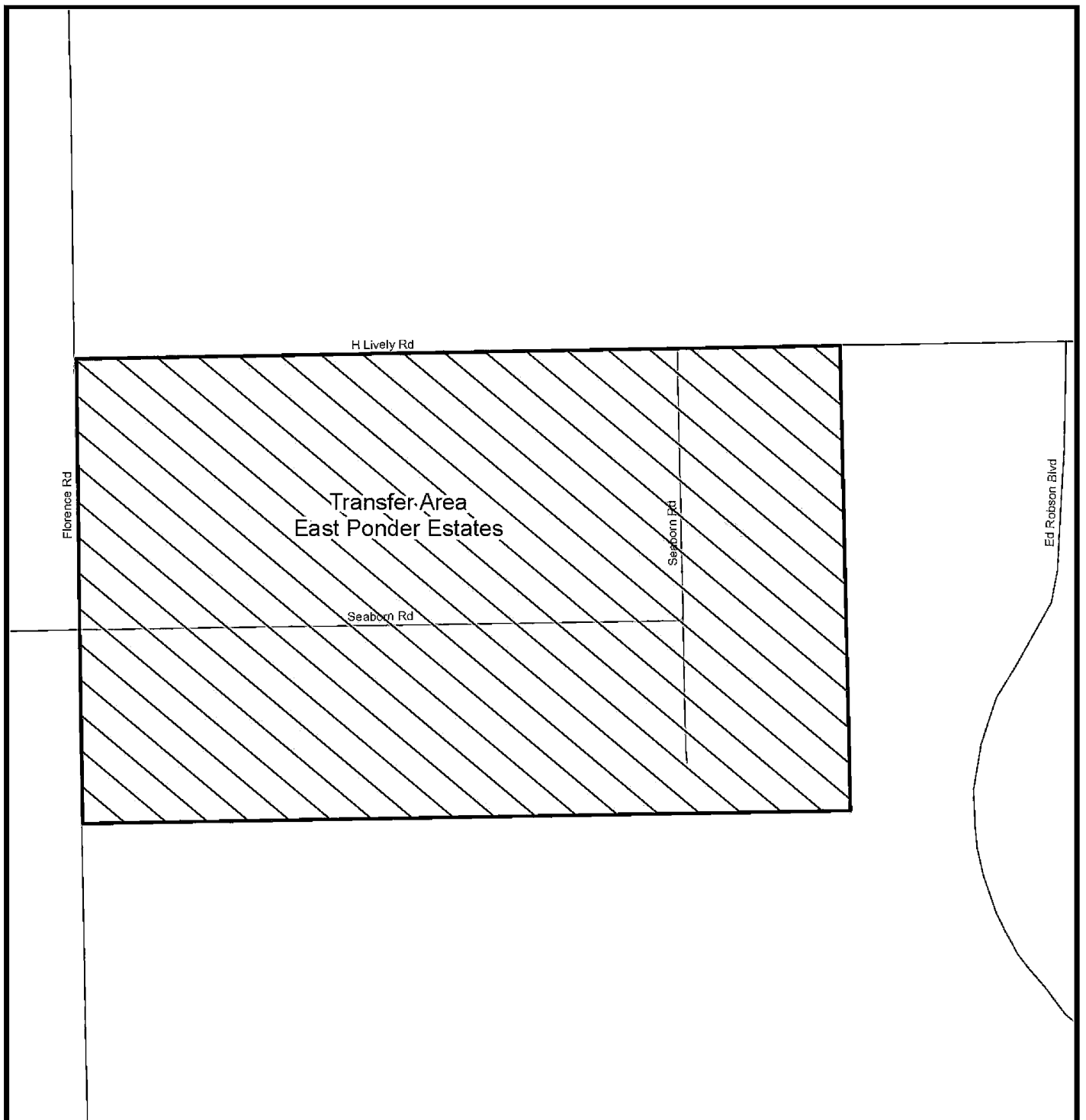
Undine Development, LLC  
 Application to Transfer Terra Southwest, Inc., CCN No. 11608 to Undine Development, LLC, CCN No. 12407  
 and to Amend CCN to Include Existing Customers and Request Dual Certification with Town of Little Elm, CCN No. 11202  
 in Denton County



### 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  
and to Amend CCN to Include Existing Customers and Request Dual Certification with Town of Little Elm, CCN No. 11202  
in Denton County



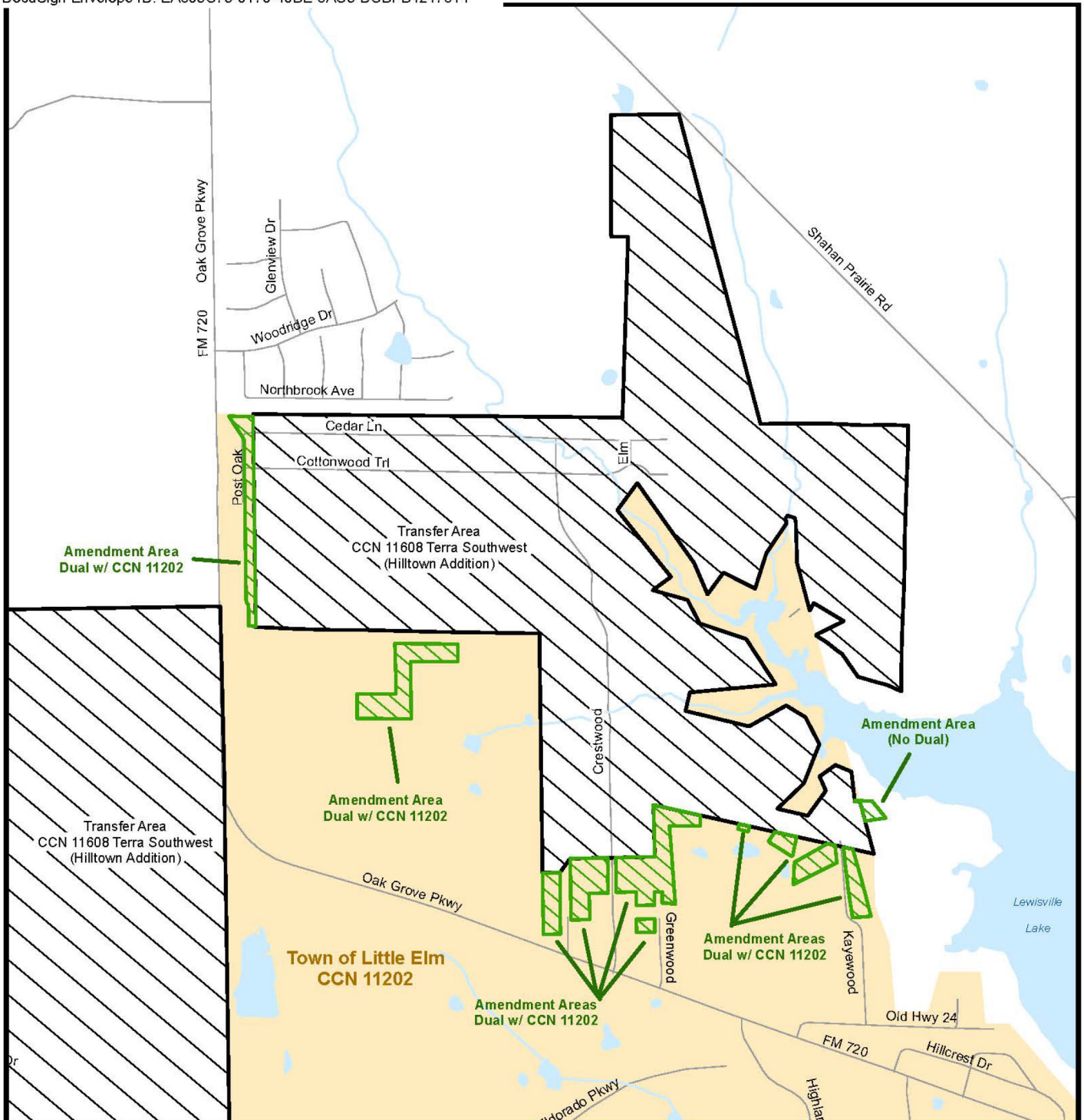
0 500 1,000  
Feet

#### Requested Water Service Area to Transfer

 CCN 11608 - Terra Southwest, Inc.

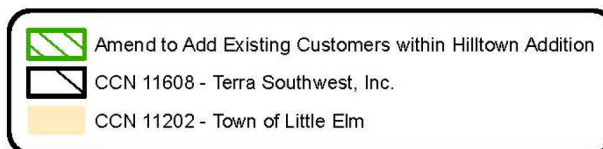
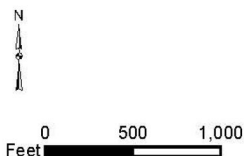
Map by: S. Burt, ASBGI  
Date: Feb 23, 2020  
Base: TxDOT Roadways 2015  
Project: Detail Map East Ponder





### 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**

NAME	STREET	CITY	STATE	ZIP
Aqua Texas, Inc.	1106 Clayton Ln, Ste 400W	Austin	TX	78723
City of Denton	901-A Texas St	Denton	TX	76209
City of Lakewood Village	100 Highridge Dr	Lakewood Village	TX	75068
Denton County FWSD 11-B	19 Briar Hollow Ln, Ste 245	Houston	TX	77027
Denton County FWSD 8A	19 Briar Hollow Ln, Ste 245	Houston	TX	77027
Knob Hill Water System	2861 High Meadow	Little Elm	TX	75068
Lake Cities MUA	501 N. Shady Shores Dr	Lake Dallas	TX	75065
Last Resort Properties	PO Box 162	Little Elm	TX	75068
Lone Star Water Company	5910 N Central EXPY	Dallas	TX	75206
Mustang SUD	7985 FM 2931	Aubrey	TX	76227
Northlake Municipal Management District 2	14755 Preston Road Suite 600	Dallas	TX	75254
Patterson Water Supply	9963 W US Hwy 377	Collinsville	TX	76233
Town of Dish	5413 Tim Donald Rd	Dish	TX	76247
Town of Hackberry	119 Maxwell Rd	Frisco	TX	75034
Town of Little Elm	PO Box 129	Little Elm	TX	75068
Town of Northlake	PO Box 729	Justin	TX	76247
Town of Ponder	PO Box 297	Ponder	TX	76259
Undine Development, LLC	17681 Telge Road	Cypress	TX	77429