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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 RECOMMENDATION ON SUFFICIENCY OF NOTICE

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. Applicants filed supplemental information on November 17, 2021, November 19, 2021, November 22, 2021, December 13, 2021, February 3, 2022, March 10, 2022, March 14, 2022, and March 22, 2022.

On March 3, 2022, the administrative law judge filed Order No. 6, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on the sufficiency of notice by March 24, 2022. Therefore, this pleading is timely filed.

I. RECOMMENDATION ON NOTICE

Staff has reviewed the proof of notice submitted by Applicants and recommends that it be found sufficient under 16 Texas Administrative Code (TAC) § 24.239(c). On March 14, 2022, the Applicants filed a sworn proof of publication dated March 13, 2022, along with a newspaper tear sheet from the Denton Record-Chronicle dated March 12-13, 2022. On March 22, 2022, the Applicants filed an additional newspaper tear sheet from the Denton Record-Chronicle dated March 6, 2022. Additionally, on February 3, 2022, the Applicants made a filing attesting that on February 1, 2022, notice was sent to all current customers, landowners, neighboring utilities, and affected parties. On the basis of the above noted filings, Staff recommends that the notice provided is sufficient.

II. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for the continued processing of this application:

Event	Date
Notice completed	March 13, 2022
Deadline to intervene	April 12, 2022 ¹
Deadline for Staff to request a hearing or file a recommendation on approval of the sale and on the CCN amendment	May 12, 2022
Deadline for parties to file a response to Staff's recommendation on approval of the sale	May 26, 2022
Deadline for parties to file a joint motion to admit evidence and proposed order approving sale and allowing transaction to proceed.	June 9, 2022
120-day deadline for the Commission to approve the sale or require a hearing	July 11, 2022 ²

III. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that the notice provided by Applicants be deemed sufficient and the proposed procedural schedule be adopted for further processing of this docket.

¹ Under 16 TAC § 24.239(b), the intervention period shall not be less than 30 days unless good cause is shown. Notice was mailed on February 2, 2022, and published on March 6, 2022 and March 13, 2022. Therefore, 30 days after March 13, 2022 is April 12, 2022.

² Under 16 TAC § 24.239(a) and (i), the deadline for Commission action is 120 days after the mailing or publication of notice, whichever occurs later. One hundred and twenty days after March 13, 2022 is July 11, 2022.

Dated: March 24, 2022

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 March 24, 2022, in accordance with the Order Suspending Rules, filed in Project No. 50664.

/s/ John Harrison
John Harrison