



## **Filing Receipt**

**Filing Date - 2023-05-15 02:09:30 PM**

**Control Number - 53445**

**Item Number - 55**

**DOCKET NO. 53445**

<b>APPLICATION OF UNDINE TEXAS</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>LLC TO AMEND ITS CERTIFICATE</b>	<b>§</b>	
<b>OF CONVENIENCE AND NECESSITY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>IN FORT BEND COUNTY</b>	<b>§</b>	

**JOINT CLARIFICATION TO ORDER NO. 15**

**I. INTRODUCTION**

On April 1, 2022, Undine Texas, LLC (Undine) filed an application to amend its Certificate of Convenience and Necessity (CCN) in Fort Bend County. Undine holds water CCN No. 13260.

On May 9, 2023, the administrative law judge (ALJ) filed Order No. 15, establishing a deadline of May 15, 2023, for the Undine and Staff (Staff) of the Public Utility Commission of Texas (Commission) to clarify several aspects of Staff's final recommendation and Joint Proposed Notice of Approval. Therefore, this pleading is timely filed.

**II. CLARIFICATION**

In Order No. 15, the ALJ required Undine and Staff to clarify whether the public water system that will provide service to the requested area in this application is the Tejas Lakes Subdivision water system, Texas Commission on Environmental Quality (TCEQ) identification number 0790504, or if a new public water system will be or is being constructed. The ALJ further asked what the name and identification number of the public water system is, if a new public water system is indeed required, and whether construction is underway or complete. Finally, the ALJ asked Undine and Staff to clarify whether additional construction is necessary for Undine to serve the requested area, as the final recommendation says no additional construction is needed, but the application and proposed notice of approval state that TCEQ has approved plans for Undine to build facilities in the requested area to serve future customers.

Staff reviewed the application and confirms that Undine initially intended to tie into the existing Tejas Lakes Subdivision but subsequently concluded it will provide service to the requested area with the construction of new facilities.<sup>1</sup> In fact, Staff evaluated Undine's planned construction and the associated capital improvement plan in its February 27, 2023 filing and

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<sup>1</sup> Commission Staff's Final Recommendation, Memorandum of Patricia Garcia at Section 3.4 (Sept. 19, 2022).

concluded that new facilities were needed.<sup>2</sup> Finally, the Parties can confirm that construction of these new facilities is underway. Specifically, TCEQ approval for the plant construction was issued on March 18, 2022 (PWS System ID No. 0790504) and TCEQ approval for the distribution system was issued on January 26, 2022 (PWS System ID No. 0790504).

### **III. CONCLUSION**

Staff respectfully requests that the foregoing information be taken into consideration by the ALJ regarding the clarifications requested in Order No. 15.

Dated: May 15, 2023

Respectfully submitted,

#### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

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<sup>2</sup> Commission Staff's Clarification to Order No. 8 (Feb. 27, 2023).

**Gregg Law PC**

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

/s/ Ian Groetsch

Ian Groetsch