



Control Number: 53459



Item Number: 139

# **OPEN MEETING COVER SHEET COMMISSIONER MEMORANDUM**

**MEETING DATE:** April 24, 2025

**DATE DELIVERED:** April 23, 2025

**AGENDA ITEM NO.:** 3

**CAPTION:** Docket No. 53459; SOAH Docket No. 473-23-10573.WS – Application of Undine Texas LLC to Amend Its Certificate of Convenience and Necessity and to Decertify a Portion of Porter Special Utility District’s Certificate of Convenience and Necessity in Harris and Montgomery Counties


**DESCRIPTION:** Chairman Thomas Gleeson Memorandum

# *Public Utility Commission of Texas*

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## **Commissioner Memorandum**

**TO:** Commissioner Kathleen Jackson  
Commissioner Courtney K. Hjaltman

**FROM:** Chairman Thomas J. Gleeson 

**DATE:** April 23, 2025

**RE:** April 24, 2025 Open Meeting – Item No. 03  
Docket No. 53459; SOAH Docket No. 473-23-10573.WS – *Application of Undine Texas, LLC to Amend its Certificate of Convenience and Necessity and to Decertify a Portion of Porter Special Utility District’s Certificate of Convenience and Necessity in Harris and Montgomery Counties*

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Before the Commission is a proposed order that would (1) transfer 61 acres from Porter Special Utility District’s water certificate of convenience and necessity (CCN) to Undine Texas, LLC’s water CCN, (2) decertify 502 acres from Undine’s water CCN, and (3) add 499 acres to Undine’s water CCN. I do not have concerns regarding the adequacy of the record to support the first two actions, but I do have concerns regarding its adequacy to support the third one. Accordingly, I would remand the proceeding to Docket Management to address those concerns.

The Commission rule addressing the contents of water CCN applications requires in part that “if the infrastructure is not already in place or if existing infrastructure needs repairs and improvements to provide continuous and adequate service to the requested area, a capital improvement plan” must be submitted and it must be “keyed to a map showing where such facilities will be located to provide service.”<sup>1</sup> The required maps were not filed until April 4, 2025, in response to an OPDM memo, and I do not believe the capital improvement plan and maps filed by Undine are sufficient to meet this requirement. The capital improvement plan and maps are not clearly keyed, one to the other, in a way that one can easily distinguish between existing and future facilities or identify which facilities on the maps correspond with facilities in the plan. Therefore, I would remand the proceeding to Docket Management for Undine to satisfy this requirement in 16 TAC § 24.233(a)(6).

In addition, on remand I would ask the parties to confirm whether any Texas Commission on Environmental Quality approval letters are required under 16 TAC § 24.233(a)(14)(A). Such approval letters might not be required under the Commission’s rule, depending on the facts of this docket, so I would like confirmation from the parties on remand.

I look forward to discussing this matter with you at the open meeting.

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<sup>1</sup> 16 Tex. Admin. Code (TAC) § 24.233(a)(6).