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DOCKET NO. 53476

APPLICATION OF UNDINE TEXAS LLC	§	PUBLIC UTILITY COMMISSION
TO AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	OF TEXAS
JACKSON COUNTY	§	

ORDER NO. 6
FINDING NOTICE SUFFICIENT, GRANTING GOOD CAUSE EXCEPTION, AND
ADOPTING PROCEDURAL SCHEDULE

This Order addresses the sufficiency of notice provided by Undine Texas LLC to amend its water certificate of convenience and necessity in Jackson County.

On August 25, 2022, Undine filed an affidavit attesting to the provision of notice to current customers, landowners, neighboring utilities, and affected parties on July 14, 2022, along with a list of the entities noticed and a copy of the notice and maps sent.

Undine filed two publisher's affidavits - one on August 25, 2022 for the July 27, 2022 publication date, and the other on September 19, 2022 for the July 20, 2022 publication date. Undine's filed publisher's affidavits and tear sheets show that notice was published in *The Jackson County Herald-Tribune*, a daily newspaper of general circulation in Jackson County, on July 20 and July 27, 2022. The publisher's affidavit filed on August 25, 2022 was filed within 30 days of the last publication date, as required by 16 Texas Administrative Code (TAC) § 24.235(c). However, the second publisher's affidavit, filed on September 19, 2022, was not filed within 30 days of the last publication date. Commission Staff requested a good cause exception under 16 TAC § 22.5(b) regarding the publisher's affidavit. When completing the first publisher's affidavit, the editor inadvertently neglected to include that, in addition to the notice published on July 27, 2022, notice was published on July 20, 2022. Undine's filing on August 25, 2022 included a copy of the tear sheet for the publication on July 20, 2022. The omission of the date "July 20, 2022" from the first publisher's affidavit did not cause any harm, as notice was actually provided on July 20, 2022. The administrative law judge (ALJ) grants the good cause exception.

On September 27, 2022, Commission Staff filed a recommendation on the sufficiency of the notice.

The ALJ finds the notice sufficient and adopts the following procedural schedule:

Event	Date
Notice completed	July 27, 2022
Deadline to intervene	August 26, 2022 ¹
Deadline for Commission Staff to provide final maps, certificates, and tariffs (if applicable) to applicant for review and consent	October 27, 2022
Deadline for applicant to file signed consent forms with the Commission	November 10, 2022
If no hearing is requested, deadline for Commission Staff to file a final recommendation on the application	November 17, 2022
If no hearing is requested, deadline for the parties to file joint proposed findings of fact and conclusions of law	December 15, 2022

Signed at Austin, Texas the 28th day of September 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE

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¹ Under 16 TAC § 24.235(a)(3), the intervention period is 30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer. Notice was mailed on July 14, 2022, and published on July 20 and 27, 2022. Therefore, 30 days after July 27, 2022, is August 26, 2022.