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Received - 2023-02-23 01:06:44 PM
Control Number - 53476
ItemNumber - 44

DOCKET NO. 53476

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

**ORDER NO. 10
REQUIRING CLARIFICATION**

This Order addresses the Commission Staff's final recommendation filed on November 17, 2022 and the joint proposed notice of approval filed on January 13, 2023. The administrative law judge (ALJ) requires clarification on the issues identified below.

I. Construction of Facilities

First, the administrative law judge (ALJ) is unclear as to the status of the Cape Shores Subdivision public water system. In the application, Undine Texas, LLC states that construction is necessary to provide service to the requested area.¹ However, elsewhere in the application, Undine Texas states that construction of the water facilities has been completed and there are two existing customers and 95 potential future customers.² Undine Texas also states that Quadvest LP previously developed the requested area and then it was decertified from Quadvest's service area in Docket No. 51035.³ However, upon review of Docket No. 51035, Quadvest owned no facilities in the requested area.

Second, in the parties' proposed notice of approval, proposed finding of fact 35 states that Undine has Texas Commission on Environmental Quality (TCEQ)-approved plans to build facilities in the requested area to serve future customers and that the environmental integrity and effect on the land will be minimal as facilities are being constructed to provide service in the requested area. However, the ALJ was unable to locate in the record of this proceeding any

¹ Application at 4.

² Application at 5 and 7.

³ *Id.* at 6. See also *Application of Quadvest L.P. to Decertify a Portion of its Water Certificate and Convenience and Necessity in Jackson County*, Docket No. 51035, Notice of Approval (June 9, 2021).

documents or correspondence from the TCEQ authorizing construction of the Cape Shores Subdivision public water system.⁴

By March 8, 2023, Undine must clarify: (1) the status of the construction of the Cape Shores Subdivision public water system; and (2) whether further construction is necessary. By the same date, Undine must file copies of any correspondence from the TCEQ authorizing the construction of the Cape Shores Subdivision public water system. Undine must move to admit as evidence any relevant clarification and documentation.

II. Compliance History

Undine's application includes its compliance history, which documents active and unresolved violations cited by the TCEQ for its other public water systems.

By March 8, 2023, Undine must confirm that it has resolved or taken steps to address the violations cited by the TCEQ. Undine must move to admit as evidence any relevant clarification and documentation.

Signed at Austin, Texas the 23rd day of February 2023.

PUBLIC UTILITY COMMISSION OF TEXAS



CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE

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⁴ Undine references attachment D to its application as being the TCEQ-approval letters. However, the documents comprising attachment D are plat maps only.