



## Filing Receipt

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**ItemNumber - 8**

**DOCKET NO. 53476**

**APPLICATION OF UNDINE TEXAS  
LLC TO AMEND ITS CERTIFICATE  
OF CONVENIENCE AND NECESSITY  
IN JACKSON COUNTY**

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**PUBLIC UTILITY COMMISSION  
  
OF TEXAS**

**COMMISSION STAFF’S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS AND NOTICE AND PROPOSED PROCEDURAL SCHEDULE**

On April 8, 2022, Undine Texas, LLC (Undine) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 13260 in Jackson County. Undine requests the amendment to add a residential community development consisting of 97 lots. Undine filed supplemental information on April 11, 2022.

On April 14, 2022, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application and proposed notice by May 9, 2022. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the application and as detailed in the attached memoranda from Patricia Garcia of the Infrastructure Division and Jorge Ordonez of the Rate Regulation Division, recommends that the application be found administratively incomplete at this time. Staff further recommends that Undine be ordered to cure the deficiencies identified in the attached memoranda by June 9, 2022, and that Staff be given a deadline of July 11, 2022, to file a supplemental recommendation on the administrative completeness of the application. Staff respectfully requests adoption of these proposed deadlines as some of the noted deficiencies are related to mapping information. Staff’s mapping experts may be required to assist Undine regarding the supplemental mapping information needed to cure the mapping deficiencies and will require at least thirty days to review same. Staff notes that Undine should not issue notice until the application is found administratively complete.

### **III. PROCEDURAL SCHEDULE**

In accordance with Staff's recommendation, Staff does not propose a procedural schedule for further processing of the docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation that the application be found administratively complete.

### **IV. CONCLUSION**

For the reasons detailed above, Staff recommends that the application be found administratively incomplete, Undine be ordered to file supplemental information to cure the deficiencies in the application by June 9, 2022 and Staff be given a deadline of July 11, 2022, to file a supplemental recommendation on the administrative completeness of the application. Staff respectfully requests an order consistent with these recommendations.

Dated: May 5, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Keith Rogas  
Division Director

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/s/ Phillip Lehmann  
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**DOCKET NO. 53476**

**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 on May 5, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Phillip Lehmann  
Phillip Lehmann

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Bradley Reynolds, Attorney  
Legal Division

**FROM:** Patricia Garcia, Senior Engineering Specialist  
Infrastructure Division

**DATE:** May 5, 2022

**RE:** Docket No. 53476 – *Application of Undine Texas LLC to Amend Its Certificate of Convenience and Necessity in Jackson County*

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On April 8, 2022, Undine Texas, LLC (Undine) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 13260 in Jackson County, Texas under Texas Water Code (TWC) §§ 13.242 through 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.237.

Based on the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review of the information filed by Undine, I recommend that the application be deemed administratively incomplete and not accepted for filing.

### **Application Content:**

For all CCN amendment or obtain applications, the applicant must show that they have complied with requirements in the rules under § 24.233(a)(14) and (15). Question 11.A. asks if construction of facilities will be necessary to provide service to the requested area. The response is yes, however the only item submitted were plans for the requested area. Please provide the following:

1. The approval letter from the Texas Commission on Environmental Quality (TCEQ) for the water system treatment plant(s) and distribution system that provide water service to the requested area, and
2. The public water system name and identification number.

### **Mapping Content:**

The application and maps submitted with Item 1 on April 8, 2022 are deficient.

Undine must submit the following items to resolve the application and mapping deficiencies:

1. State if Undine intends to serve any customers off the easement along Cape Shores

Drive.

- a. If yes, provide the following revised mapping information that includes the properties they intend to serve:
  - i. A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town;
  - ii. A detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads; and
  - iii. Digital mapping data for the requested area, as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet).
- b. If no, provide the following revised mapping information that removes the easement along Cape Shores Drive from the requested area:
  - i. A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town;
  - ii. A detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads; and
  - iii. Digital mapping data for the requested area, as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet).

Staff will need at least 30 days to review the documentation, maps, and digital data provided by Undine and draft a recommendation.

Note: Any confidential items should be submitted as confidential filings with the PUC. The instructions for filing confidential documents can be found on our website at: (<http://www.puc.texas.gov/industry/filings/FilingProceed.aspx>).

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Bradley Reynolds, Attorney  
Legal Division

**FROM:** Jorge Ordonez, Senior Rate Analyst  
Rate Regulation Division

**DATE:** May 5, 2022

**RE:** Docket No. 53476 - *Application of Undine Texas LLC to Amend its Certificate of Convenience and Necessity in Jackson County*

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On April 8, 2022, Undine Texas LLC filed an application to amend a water certificate of convenience and necessity in Jackson County under Subchapter G of Texas Water Code Chapter 13.

I reviewed the answers provided to questions 28, 29, 30, and 31 of the application and recommend the application to be deemed administratively incomplete. I also recommend that Undine Texas LLC be required to provide the following information to cure the deficiencies:

1. A complete copy of Undine Texas LLC's December 31, 2020 and 2019 financial statements indicating that Undine Texas LLC passes the leverage test per 16 TAC § 24.11(e)(2).