



## **Filing Receipt**

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**Control Number - 53630**

**Item Number - 116**

**DOCKET NO. 53630**

<b>APPLICATION OF ORBIT SYSTEMS, INC. AND UNDINE TEXAS ENVIRONMENTAL, LLC FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN BRAZORIA COUNTY</b>	<b>§ § § § § §</b>	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**JOINT RESPONSE TO ORDER NO. 35**

**I. INTRODUCTION**

On October 9, 2024, the Administrative Law Judge (ALJ) issued Order No. 35 requiring a response from Orbit Systems, Inc. (Orbit) and Undine Texas Environmental, LLC (Undine) (collectively, the Applicants), along with the Staff (Staff) of the Public Utility Commission of Texas (Commission) (collectively, the Parties) by October 21, 2024. Therefore, this pleading is timely filed.

**II. JOINT CLARIFICATION**

Pursuant to Order No. 35, the ALJ required that the Applicants and Commission Staff clarify:

- (1) whether they conferred with Tommy Green prior to the filing of the joint motion to admit additional evidence and proposed notice of approval (the August 2024 Joint Filing) and
- (2) whether Mr. Green was involved with the preparation of the proposed notice of approval.

The Parties did not confer with Mr. Green on the Joint Motion, nor was Mr. Green involved with its preparation. In the Parties' Joint Response to Order No. 21, filed on July 7, 2023 (AIS Item No. 82), the Parties stated:

“Pursuant to [Undine’s] outreach to Mr. Green on June 28, 2023, Mr. Green confirmed that he would not participate in the joint motion to admit evidence and proposed order

approving the sale and transfer to proceed (the June 2023 Joint Filing), based on his ongoing concerns regarding the increase in rates proposed in the application.”

On July 20, 2023, the ALJ issued Order No. 23 admitting the evidence submitted in the June 2023 Joint Filing, and on July 21, 2023, the ALJ issued Order No. 24 withdrawing notice of hearing. The ALJ later issued Order Nos. 26, 28, and 31, providing notice to all parties, which would include Mr. Green. Furthermore, since the June 2023 Joint Filing, Mr. Green has not reached out to Staff regarding this proceeding, has already stated his intention not to participate in this proceeding, did not file anything in response to Order No. 28, and did not file anything in response to Staff’s recommendation on the transaction (AIS Item No. 97).

The Parties respectfully request that the ALJ consider this information in clarification of the information previously submitted in the docket, and that the August 2024 Joint Filing be granted.

The undersigned counsel for Undine represents that he has conferred with Orbit and with Commission Staff, and that Orbit and Commission Staff have authorized Undine to submit this joint response.

Dated: October 21, 2024.

Respectfully submitted,

**Gregg Law PC**



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**Attorneys for Undine Texas Environmental, LLC**

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**CERTIFICATE OF SERVICE**

I certify by my signature above that unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record on October 21, 2024 in accordance with the Second Order Suspending Rules filed in Project No. 50664.