



## **Filing Receipt**

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**Control Number - 53630**

**Item Number - 70**

**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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**ORDER NO. 18  
REQUIRING CLARIFICATION ON NOTICE**

On February 22, 2023, Undine Texas Environmental, LLC filed an affidavit attesting that notice was provided to current customers, landowners, and affected parties. It confidentially attached a list of recipients with names and mailing addresses.

On March 7, 2023, Undine Texas Environmental filed proof of publication of notice.

In light of Commissioner Jackson’s memorandum in Docket No. 51651,<sup>1</sup> the administrative law judge requires Undine Texas Environmental to confirm by affidavit that notice has been mailed by first class mail to each owner of a tract of land that is at least 25 acres and is wholly or partially included in the area proposed to be certified according to the most current tax appraisal rolls of the applicable central appraisal district at the time the Commission received the application for the amendment. Proof of notice that includes the names and mailing address, but does not identify which tracts of land in the requested area are at least 25 acres and who owns those tracts of land is not sufficient evidence of notice, as required under Texas Water Code (TWC) § 13.246(a-1) and 16 Texas Administrative Code (TAC) § 24.235(b)(2).<sup>2</sup> The evidentiary record must show which tracts of land in the requested area are at least 25 acres and who owns those tracts.<sup>3</sup>

By May 31, 2023, Undine Texas Environmental must file (1) an affidavit that notice has been mailed by first class mail to each owner of a tract of land that is at least 25 acres and is wholly

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<sup>1</sup> *Application of Waters of Vista Ranch Water Supply Corporation and Aqua Water Supply Corporation for Sale, Transfer, or Merger of Facilities and Certificate Rights in Fayette County*, Docket No. 51646, Commissioner Jackson Memorandum (May 10, 2023).

<sup>2</sup> *Id.* at 2.

<sup>3</sup> *Id.*

or partially included in the area proposed to be certified according to the most current tax appraisal rolls of the applicable central appraisal district at the time the Commission received the application and (2) evidence showing which tracts of land in the requested area are at least 25 acres and who owns those tracts.

The deadlines established in Order No. 17 remain in effect.

**Signed at Austin, Texas the 18th day of May 2023.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

A handwritten signature in black ink, reading "Christina Denmark". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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**CHRISTINA DENMARK  
ADMINISTRATIVE LAW JUDGE**