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DOCKET NO. 53630

APPLICATION OF ORBIT SYSTEMS, INC. AND UNDINE TEXAS ENVIRONMENTAL, LLC FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN BRAZORIA COUNTY	§ § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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**ORDER NO. 21
REQUIRING CLARIFICATION**

In Order No. 4 filed on August 10, 2022, the administrative law judge (ALJ) granted the intervention of Tommy Green. As a result, Tommy Green is a party in this docket.

In Order No. 11 filed on December 20, 2022, the ALJ required Orbit Systems, Inc., Undine Texas Environmental, LLC, and Commission Staff to file clarifications, including addressing:

In Order No. 4 filed August 10, 2022, the intervention of Tommy Green was granted. In Order No. 9 filed on November 28, 2022, the ALJ granted Commission Staff's request for extension and required *the parties* to file a joint motion to admit evidence and proposed order approving sale and allowing the transaction to proceed. However, the joint motion to admit evidence and proposed order does not mention that it was filed on Mr. Green's behalf, nor does it mention whether he is in agreement with the proposed order. The ALJ requires Orbit, Undine, and Commission Staff to clarify whether Mr. Green was involved with the preparation of the proposed order and approves of the proposed order.¹

On February 17, 2023, Commission Staff filed a clarification stating that it was unaware "whether Undine or Orbit involved Mr. Green in the preparation of the proposed order but can confirm that Staff had not communicated with Mr. Green prior to the proposed order being filed on December 5, 2022. Staff has since communicated with Mr. Green and shared a copy of the proposed order with him."²

On February 17, 2023, Undine filed a clarification merely stating that it was in agreement with Commission Staff's clarification, but did not address whether Undine or Orbit involved Mr. Green in the preparation of the proposed order or sent a copy to him to review.

¹ Order No. 4 at 1 (Dec. 20, 2022).

² Commission Staff's Clarification at 2 (Feb. 17, 2023).

In Order No. 19 filed on May 19, 2023, the ALJ established a deadline of June 21, 2023 for *the parties* to file a joint motion to admit evidence and proposed order approving the sale and allowing the transaction to proceed.

On June 20, 2023, Orbit, Undine, and Commission Staff again filed a proposed order approving the sale and transaction to proceed as “collectively, the parties.”³ The ALJ disagrees with Orbit, Undine, and Commission Staff that they are all the parties to this proceeding - Mr. Green remains a party as well.

By July 7, 2023, the ALJ requires Orbit, Undine, and Commission Staff to clarify (1) whether Mr. Green was involved with the preparation of the joint motion to admit evidence and proposed order approving the sale and transfer to proceed; (2) whether Mr. Green was given a copy of the joint motion to admit evidence and proposed order prior to the filing of the same; and (3) the date the draft proposed order was sent to Mr. Green.

By July 14, 2023, Mr. Green is required to clarify (1) whether he received a copy of the draft proposed order; (2) whether he was involved in the preparation of the joint motion to admit evidence and proposed order and (3) whether he is in agreement with the joint motion to admit evidence and proposed order. If Mr. Green was in receipt of a copy of the proposed order and fails to respond to this order, the ALJ will assume he is in agreement with the joint motion to admit evidence and proposed order.

Signed at Austin, Texas the 26th day of June 2023.

PUBLIC UTILITY COMMISSION OF TEXAS



CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE

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³ Joint Motion to Admit Evidence and Proposed Order Approving the Sale and Transfer to Proceed at 1 (June 20, 2023).