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DOCKET NO. 53630

APPLICATION OF ORBIT SYSTEMS, INC., AND UNDINE TEXAS	§	PUBLIC UTILITY COMMISSION
ENVIRONMENTAL, LLC FOR SALE,	§	
TRANSFER, OR MERGER OF	§	OF TEXAS
FACILITIES AND CERTIFICATE	§	
RIGHTS IN BRAZORIA COUNTY	§	

**ORDER NO. 26
VOIDING APPROVAL OF TRANSACTION, ENTERING PROCEDUAL SCHEDULE,
AND MAKING DETERMINATION TO HOLD A HEARING**

In Order No. 25 filed on July 21, 2023, the administrative law judge (ALJ) approved the transaction at issue in this case to proceed. The Order stated that the applicants had 180 days from the date of the Order in which to complete the transaction. The 180-day deadline was January 17, 2024. Order No. 25 also required the applicants to file monthly reports regarding the status of the transaction. However, Undine only filed one report on September 27, 2023, stating that the transaction remains pending and that Undine planned to complete the transaction at the same time as the sale, transfer, or merger in Docket No. 53629.¹ Ordering Paragraph 4 specified that if Undine did not complete the transaction within 180 days and did not obtain an extension of the 180-day deadline, then the approval of the transaction granted in Order No. 25 would be void. The Commission’s rule, 16 Texas Administrative Code § 24.239(m), also specifies that the Commission’s approval of a transaction “expires” after 180 days from the date of approval, unless the Commission extends the deadline. No extension was requested or granted. Because the 180-day deadline has passed, Order No. 25, the Commission’s approval of the transaction, is now void.

If the applicants wish to continue pursuing approval of their application, they must restart the application process. In order to do so, the applicants must file an amended application by February 29, 2024. The application must use current data, rather than data from the time the original application was filed. Commission Staff must file an updated recommendation on the sale by March 28, 2024.

¹ *Application of Orbit Systems, Inc. and Undine Texas, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Brazoria County*, Docket No. 53629 (pending).

To give the parties time to make the supplemental filings required by this Order and to give Commission Staff the time to file a supplemental recommendation, and in accordance with Texas Water Code § 13.301(e), this Order serves as notice to the parties and to the Office of Public Utility Counsel that the Commission has determined that it will hold a hearing to determine if the transaction will serve the public interest. The determination to hold a hearing may be withdrawn following the consideration of the supplemental material.

Signed at Austin, Texas the 30th day of January 2024.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read "Christina Denmark", written in a cursive style.

CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE