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Received - 2023-01-27 01:45:53 PM
Control Number - 53827
ItemNumber - 30

DOCKET NO. 53827

APPLICATION OF UNDINE TEXAS,	§	PUBLIC UTILITY COMMISSION
LLC AND NITSCH AND SON UTILITY	§	
COMPANY, INC FOR SALE,	§	OF TEXAS
TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS IN HARRIS COUNTY	§	

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

I. INTRODUCTION

On July 14, 2022, Undine Texas LLC and Nitsch and Son Utility Company, Inc. (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Harris County. Specifically, Applicants seeks approval to acquire facilities and to transfer water service area held under Certificate of Convenience and Necessity (CCN) No. 13260. Applicants filed supplemental information on July 25, September 15, September 22, October 6, November 9, and November 10, 2022.

On January 4, 2023, the administrative law judge (ALJ) filed Order No. 6, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the administrative completeness of the application and propose a procedural schedule, if appropriate, by January 27, 2023. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

To date, the Applicants have not responded to Staff’s recommendation dated November 21, 2022. Staff recommends that the Applicants be ordered to cure these deficiencies identified in Patricia Garcia’s November 21, 2022 memorandum by February 10, 2023, and that Staff be given a deadline of February 24, 2023, to file a supplemental recommendation on the administrative completeness of the application.

III. PROCEDURAL SCHEDULE

In accordance with Staff’s deficiency 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. Staff notes that the Applicants should not issue notice until the application is deemed sufficient.

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively incomplete, that the Applicants be ordered to cure the deficiencies by February 10, 2023, and that Staff be given a deadline of February 24, 2023, to file a supplemental recommendation on the administrative completeness of the application. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: January 27, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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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 via electronic mail on January 27, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Ian Groetsch
Ian Groetsch