



Filing Receipt

Filing Date - 2023-04-20 04:52:22 PM

Control Number - 53827

Item Number - 37

DOCKET NO. 53827

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

COMMISSION STAFF AND APPLICANTS' JOINT MOTION TO LIFT ABATEMENT

COMES NOW, Staff (Staff) of the Public Utility Commission of Texas (Commission) and Nitsch and Son Utility Company, Inc. (Nitsch) and Undine Texas, LLC (Undine) (Applicants), and files this their Joint Motion to Lift Abatement and would show the ALJ as follows:

I. BACKGROUND

On July 14, 2022, Nitsch and Son Utility Company, Inc. (Nitsch) and Undine Texas, LLC (Undine) (collectively, the "Applicants") filed with the Public Utility Commission of Texas (Commission) an application for sale, transfer, or merger of facilities and certificate rights in Harris County, Texas. Undine filed supplemental information on September 15 and 22, October 6, and November 9 and 10, 2022.

On March 24, 2023, Applicants and Staff (the "Parties") requested an abatement of this proceeding pending consent from the City of Houston to allow Undine to provide service inside the city limits, which request was before the City.

On March 28, 2023, the assigned ALJ issued an Order abating this proceeding.

II. MOTION TO LIFT ABATEMENT

The Parties have conferred and agree that it is appropriate to continue the processing of this application (i.e., deem the application administratively complete) while the City of Houston consent remains pending and lift the abatement..

Attached as Exhibit A is correspondence between the Applicants and the City of Houston reflecting discussions between the two parties. The Applicants are confident based on their discussions with the City of Houston representatives that the Applicants are making progress in obtaining the consent of the City of Houston. Consequently, the Parties agree that the lifting of the abatement and continuing the processing of this application is in the Parties interest. To that end, Parties agree that Staff will submit a supplemental recommendation on administrative completeness and notice and proposed procedural schedule by May 6, 2023

III. CONCLUSION

As detailed above, Staff and Applicants respectfully request an order lifting the abatement in this proceeding. The undersigned counsel for Undine files this motion with the consent of Nitsch.

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

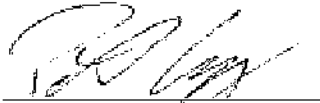
Marisa Lopez Wagley
Interim Division Director

John Harrison
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/s/ Ian Groetsch

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pgregg@gregglawpc.com

Attorneys for Undine Texas, LLC

DOCKET NO. 53827

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 April 20, 2023 in accordance with the Order Suspending Rules filed in Project No. 50664.

EXHIBIT A

From: Jolly, Frances - HPW <Frances.Jolly@houstontx.gov>
Sent: Wednesday, April 19, 2023 3:48 PM
To: Jeff Goebel <jgoebel@undinellc.com>; Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>;
Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>
Cc: Mike Ashfield <mashfield@undinellc.com>; PWE - Water Contracts
<watercontracts@houstontx.gov>
Subject: RE: Undine LLC and CCN Map Amendment Request

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Hello Jeff,

The Map Amendment Request is being sent to ask our City Attorney to read and respond back to us. It was preferred to respond with a letter from the City of Houston. We appreciate the review and corrections that were made to the request. The letter will be completed as soon as possible.

Kind Regards,

Fran Jolly Loomis
Contract Administrator, Houston Water
832.395.3094
Frances.Jolly@houstontx.gov



From: Jeff Goebel <jgoebel@undinellc.com>
Sent: Wednesday, April 19, 2023 3:27 PM
To: Jolly, Frances - HPW <Frances.Jolly@houstontx.gov>; Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>; Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>
Cc: Mike Ashfield <mashfield@undinellc.com>; PWE - Water Contracts <watercontracts@houstontx.gov>
Subject: RE: Undine LLC and CCN Map Amendment Request

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Greetings all,

Checking to see the status of our request.

Please let me know if you need any more information.

Thank you

Jeff Goebel
Manager of Business Development
(m) 713-724-9321
jgoebel@undinellc.com



From: Jolly, Frances - HPW <Frances.Jolly@houstontx.gov>
Sent: Tuesday, March 28, 2023 4:19 PM
To: Jeff Goebel <jgoebel@undinellc.com>; Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>; Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>
Cc: Mike Ashfield <mashfield@undinellc.com>; PWE - Water Contracts

[<watercontracts@houstontx.gov>](mailto:watercontracts@houstontx.gov)

Subject: RE: Undine LLC and CCN Map Amendment Request

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Jeff,

I will be available for a phone call tomorrow at your convenience.

Kind Regards,

Fran Jolly Loomis

Contract Administrator, Houston Water

832.395.3094

Frances.Jolly@houstontx.gov



From: Jeff Goebel <jgoebel@undinellc.com>

Sent: Tuesday, March 28, 2023 3:52 PM

To: Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>; Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>

Cc: Mike Ashfield <mashfield@undinellc.com>; Jolly, Frances - HPW <Frances.Jolly@houstontx.gov>;
PWE - Water Contracts <watercontracts@houstontx.gov>

Subject: RE: Undine LLC and CCN Map Amendment Request

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Fran,

Are you available for a short phone call tomorrow? I can be available at any time that is convenient for you.

Thank you

Jeff Goebel

Manager of Business Development

(m) 713-724-9321

jgoebel@undinellc.com



From: Fitos, Ekaterina - HPW <Ekaterina.Fitos@houston.tx.gov>
Sent: Tuesday, March 28, 2023 3:48 PM
To: Jeff Goebel <jgoebel@undinellc.com>; Tripathi, Satish - HPW <Satish.Tripathi@houston.tx.gov>
Cc: Mike Ashfield <mashfield@undinellc.com>; Jolly, Frances - HPW <Frances.Jolly@houston.tx.gov>;
PWE - Water Contracts <watercontracts@houston.tx.gov>
Subject: RE: Undine LLC and CCN Map Amendment Request

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Jeff,

I have set up a Team's meeting for next Wednesday. Satish may be available. However, I will have our water contracts team available to answer questions. In the meantime, please reach out to Fran Jolly (frances.jolly@houston.tx.gov or 832-395-3094). She will be able to give you assistance on the application process, if needed. I have cc'd her on this message to facilitate contact.

We are looking forward to our meeting, and again my condolences for your loss.

Thank you,
Ekaterina Fitos, GISP
Planning Director, Houston Water
Office 832.395.2712 | Cell 281.615.8755



From: Jeff Goebel <jgoebel@undinellc.com>
Sent: Tuesday, March 28, 2023 3:20 PM
To: Fitos, Ekaterina - HPW <Ekaterina.Fitos@houston.tx.gov>; Tripathi, Satish - HPW <Satish.Tripathi@houston.tx.gov>
Cc: Mike Ashfield <mashfield@undinellc.com>
Subject: RE: Undine LLC and CCN Map Amendment Request

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Ekaterina,

Thank you for your quick response. If possible, the sooner the better as we are under a Public Utility Commission dead line. I can be available anytime or anywhere you are.

Thank you

Jeff Goebel
Manager of Business Development
(m) 713-724-9321
jgoebel@undinellc.com



From: Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>
Sent: Tuesday, March 28, 2023 3:14 PM
To: Jeff Goebel <jgoebel@undinellc.com>; Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>
Subject: Re: Undine LLC and CCN Map Amendment Request

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Jeff,

Sorry to hear about your loss. Satish is out of the office this week. We can schedule a meeting in the next few weeks. Please send me your availability and I will check our availability. We can also have a team's meeting as that often works better.

Thank you,
Ekaterina Fitos, GISP
Planning Director, Houston Water
Office [832.395.2712](tel:832.395.2712) | Cell [281.615.8755](tel:281.615.8755)

From: Jeff Goebel <jgoebel@undinellc.com>
Sent: Tuesday, March 28, 2023 1:49 PM
To: Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>; Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>
Subject: RE: Undine LLC and CCN Map Amendment Request

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Satish and Ekaterina,

I am not sure if you received the news or not, but our engineer and my friend Jim Ainsworth passed away this past Saturday. When I hear about services I will forward to you.

Jim was helping obtain COH approval for a CCN we are buying. Is there someone I could speak to about this. I would love to set up a meeting and come to your offices to go over what we are doing.

Thank you

Jeff Goebel
Manager of Business Development
(m) 713-724-9321
jgoebel@undinellc.com



From: Jim Ainsworth
Sent: Thursday, March 23, 2023 2:02 PM
To: Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>; Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>
Subject: RE: Undine LLC and CCN Map Amendment Request

Satish – thanks for the update tho’ the news is not good. I’d like to have the opportunity to directly discuss with the responsible parties in both groups. The request is for a map amendment to correct an Investor Owned Utility (IOU) CCN map to reflect what the IOU is actually serving. Undine purchased this IOU and will operate the system. The system has no interconnect or contract with CoH. For an engineer this request seems to be a ministerial function but I am not that hopeful now. Undine is on a deadline to file the amended CCN Map with the Public Utility Commission which oversees IOUs.

Any help is greatly appreciated.

Jim Ainsworth, P.E.
Principal



A&S Engineers, Inc.

A&S Engineers, Inc.
10377 Stella Link Road
Houston, TX 77025-5445
O: 713.942.2700
D: 713.942.2710
C: 713.927.7929
jra@as-engineers.com
www.as-engineers.com

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From: Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>
Sent: Thursday, March 23, 2023 9:44 AM
To: Jim Ainsworth <jra@as-engineers.com>; Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>
Subject: RE: Undine LLC and CCN Map Amendment Request

Jim,

As Lin retired, I am including Ekaterina Fitos (Houston Water Planning Director). Your request needs to go through the water contract group and legal. I would be available if any help needs from my team.

Thank You

With Regards,

Satish Tripathi, P.E.
Managing Engineer
Houston Water, Infrastructure Planning (Water)
832.395.3096 | Cell 713.819.3098



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From: Jim Ainsworth <jra@as-engineers.com>
Sent: Wednesday, March 22, 2023 2:13 PM
To: Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>
Subject: Undine LLC and CCN Map Amendment Request

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Satish – I have attached prior correspondence on this issue as well as a possible path forward on this item. The attached Letter (both pdf and in word) will provide Undine LLC what they need to be able to

amend the map and file it. This is for a Investor Owned Utility system that they have bought and need to amend the map to reflect actual service boundaries.

Please take a look at the information and see if this can possibly move the process forward.

I am best reached on my cell and email.

Jim Ainsworth, P.E.
Principal



A&S Engineers, Inc.
10377 Stella Link Road
Houston, TX 77025-5445
O: 713.942.2700
D: 713.942.2710
C: 713.927.7929
jra@as-engineers.com
www.as-engineers.com

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Jeff Goebel

Subject: Undine and COH - Fran Jolly Phone Call

Location: Undine will call Fran at 832-395-3094

Start: Wed 3/29/2023 10:00 AM

End: Wed 3/29/2023 10:30 AM

Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Jeff Goebel

Required Attendees: Mike Ashfield; Jolly, Frances - HPW

Optional Attendees: Katie Ransbottom

Jeff Goebel

From: Jolly, Frances - HPW <Frances.Jolly@houstontx.gov>
Sent: Wednesday, March 29, 2023 12:34 PM
To: Fitos, Ekaterina - HPW; Tripathi, Satish - HPW; Ahmed, Hamza - HPW (Temp); Caldera, Sally - HPW; Jeff Goebel; Mike Ashfield
Subject: RE: UNDINE Meeting
Attachments: 230321 Nitsch Son Application for Transfer with Attachments.pdf; Nitsch and Son - All Maps Water and Sewer.pdf

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Adding two attachments.

Fran Jolly Loomis
Contract Administrator, Houston Water
832.395.3094
Frances.Jolly@houstontx.gov



-----Original Appointment-----

From: Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>
Sent: Tuesday, March 28, 2023 3:30 PM
To: Fitos, Ekaterina - HPW; Fitos, Ekaterina - HPW; Tripathi, Satish - HPW; Jolly, Frances - HPW; Ahmed, Hamza - HPW (Temp); Caldera, Sally - HPW; Jeff Goebel; Mike Ashfield
Subject: UNDINE Meeting
When: Wednesday, April 5, 2023 3:00 PM-4:00 PM (UTC-06:00) Central Time (US & Canada).
Where: Microsoft Teams Meeting

Discuss Jim's efforts to gain COH approval for a CCN Undine is buying. Discuss Undine's efforts.

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 279 606 478 982

Passcode: WXEjby

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

+1 936-755-1521,,430962225# United States, Huntsville

Phone Conference ID: 430 962 225#

Find a local number | Reset PIN

Learn More | Meeting options

FW: CCN Amendment Application of Undine Texas, LLC (Nitsch)**Peter Gregg**

...

To: Katie Ransbottom <kransbottom@undinellc.com>; Carey Thomé <carey.thome@undinellc.com>

Cc: Mike Ashfield <mashfield@undinellc.com>; Jeff Goebel <jgoebel@undinellc.com>



2021_water_district_consent_... ✓

4 MB

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Katie,

We finally got COH to connect with us again. Disappointing that that put this application (discussed below) in front of us after all this time, and I apologize for not pushing harder to get us to this point.

The application looks like a hassle but manageable. I do see a couple areas where it does not appear that our application fits into the District box.

Please let me know what I can do to assist, in preparing the form or otherwise.

Peter

Peter T. Gregg
Gregg Law PC
O: 512-522-0702
M: 512-569-9852

From: Shih, Lin - HPC-HPW <Lin.Shih@houstontx.gov>**Sent:** Thursday, January 12, 2023 8:54 AM**To:** Kim Chambers <kchambers@gregglawpc.com>**Cc:** Peter Gregg <pgregg@gregglawpc.com>; PWE Mud Review <mudreview@houstontx.gov>; Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>; Chang, YuShan - LGL <YuShan.Chang@houstontx.gov>; Foster, John - LGL <John.foster@houstontx.gov>**Subject:** RE: CCN Amendment Application of Undine Texas, LLC (Nitsch)

Good morning Kim,

I apologized for I missed follow up on this application. Please see the MUD creation and annexation application form attached. Undine Texas, LLC may modify this application form from a District to a CCN, fill up, and provide all necessary information and attachments to us? Please provide the metes and bounds for the land that transferring, and the boundary survey map for the Exhibit A-1 and Exhibit A-2 in Exhibit A? Please provide the shapefiles for the CCN service boundary? Please submit the electronic copy of application form and attachments to HPW MUD Review Inbox? I have included the email inbox



CITY OF HOUSTON

WATER DISTRICT CONSENT APPLICATION FORM

This application is hereby made for the consent of the City of Houston to the annexation of _____ acres to _____ (District Name) under the provisions of _____ (Code or Legislation)

Attorney for the District

Date

Section 1 – Application Request and Contact Information

Law Firm: _____

Attorney: _____

Address: _____

Zip: _____ Phone: _____

e-mail: _____

Engineering Firm: _____

Engineer: _____

Address: _____

Zip: _____ Phone: _____

e-mail: _____

Owner(s): _____

Address: _____

Zip: _____ Phone: _____

(If there is more than one owner, please include all owners of the property within the district in **Attachment A.**)

Section 2 – Location (of proposed land)

Jurisdiction: Select _____ County/Countries: _____

Is the District in the ETJ of a city other than Houston? Which? _____

Survey: _____ Abstract: _____

Survey: _____ Abstract: _____

Key Map #(s): _____

Geographic Location: List only the complete names of major streets, bayous, or creeks visible on the Vicinity Map

North of: _____ East of: _____

South of: _____ West of: _____



CITY OF HOUSTON

WATER DISTRICT CONSENT APPLICATION FORM

Section 3 - District Data

For Creation Petitions, submit a file geodatabase entitled "Proposed_DistrictName_CRT" which shall contain a feature class of the proposed boundary of the district. The feature class shall be labeled "Proposed_DistrictBoundary_CRT".

For Addition Petitions, submit a file geodatabase entitled "Proposed_DistrictName_ANX" which shall contain two feature classes: one with the existing district boundary labeled "ExistingBoundary" and one with the proposed annexation tract(s) labeled "ProposedAnnexation".

Email the file geodatabase(s) separately to mudreview@houstontx.gov.

Existing Acreage of the District: _____ acres Existing Plus Proposed Acreage: _____ acres

Number of Proposed Tracts of Land: _____ Number of Existing Non-Contiguous Tracts in the District: _____

List the following in which the existing and/or proposed acreage of land is located:

Texas Senate District: _____ Texas House District: _____ County Precinct: _____

Is there a certificate of convenience and necessity ("CCN") holder within the existing or proposed acreage? ☐ Yes ☐ No

If yes, provide the Water and Sewer CCN Nos.: Water CCN No. _____ Sewer CCN No. _____

Summary of Development for Existing Acreage (ESU Chart is Reference Doc A, 1.0 ESU = 250 gpd)

Single Family Residential: _____ % Multi-Family Residential: _____ % Commercial: _____ %

Industrial: _____ % Institutional: _____ % Other: _____ % Existing Service Units: _____ ESUs

Provide a list of development(s), with ESUs, of the existing acreage in **Attachment A**.

Summary of Development for Proposed Acreage (ESU Chart is Reference Doc A, 1.0 ESU = 250 gpd)

Single Family Residential: _____ % Multi-Family Residential: _____ % Commercial: _____ %

Industrial: _____ % Institutional: _____ % Other: _____ % Proposed Service Units: _____ ESUs

Provide a list of development(s), with ESUs, of the proposed acreage on **Attachment A**.

Is the proposed acreage developed or undeveloped? ☐ Developed ☐ Undeveloped ☐ Mixed

If the proposed acreage is developed:

Describe the existing development including public utilities in **Attachment A**

Are there current plans to remove the existing development? ☐ Yes ☐ No

If the tract is undeveloped:

Describe the current plans for what specifically will be developed in **Attachment A**

Anticipated year development shall begin: _____ Anticipated year development will be complete: _____

Has the tract been platted? ☐ Yes ☐ No

If the tract has been platted, please include the recorded plat as **Attachment A-1**

What is the current Flood Zone of the proposed acreage? _____

Include a recent FEMA Flood Insurance Rate Map showing the Flood Zone of the proposed acreage as **Attachment B**



CITY OF HOUSTON

WATER DISTRICT CONSENT APPLICATION FORM

Is the tract in the 100-year floodplain? ☐ Yes ☐ No If yes, what % of the tract is in the floodplain? _____

Is the tract in the 500-year floodplain? ☐ Yes ☐ No If yes, what % of the tract is in the floodplain? _____

Provide a justification as to why the proposed land is to be added to the District in **Attachment A**.

Wastewater Treatment Plant Information

Wastewater Treatment Plant Name (as it appears on the permit): _____

Wastewater Treatment Plant Address: _____ Zip: _____

Wastewater Treatment Plant Physical Location (coordinates): _____

NPDES/TPDES Permit No. _____ TCEQ Permit No. _____

Size of Treatment Plant Site: _____ Square Feet

Existing Permitted Capacity: _____ MGD Ultimate Capacity: _____ MGD

Is the facility in compliance with the state? ☐ Yes ☐ No (If not, please provide an explanation in **Attachment A** and label accordingly.)

If the plant is operating as a **District Plant**, how much additional capacity will be required? _____ MGD

If the plant is operating as a **Regional Plant**, provide the following information for all districts/properties served.

Name of District/Property Owner: _____

Capacity Allocation: _____ MGD Service Units: _____ ESUs

Name of District/Property Owner: _____

Capacity Allocation: _____ MGD Service Units: _____ ESUs

(Please provide any additional districts/properties served in **Attachment A**, including all applicable fields listed above, and label accordingly.)

(Please provide any additional Wastewater Treatment Plants, including all applicable fields listed above, in **Attachment A** and label accordingly.)

Which waterway receives storm water drainage from the proposed tract(s)? (Creek, Bayou, Gully, River, etc.): _____

Please provide the channel/unit #: _____

Please provide the watershed: _____

Include the most current Discharge Monitoring Report (DMR), submitted to TCEQ, for each plant as **Attachment C**

Were any of the district's water/wastewater plants out of service because of the Harvey flooding event? ☐ Yes ☐ No

Water Treatment Plant Information

Water Treatment Plant Name: _____

Water Treatment Plant Address: _____ Zip: _____



CITY OF HOUSTON

WATER DISTRICT CONSENT APPLICATION FORM

Public Water System ID No. _____ (7 digit ID) State Water Well Permit No. _____

(If there are multiple water treatment plants please include each, with all applicable fields above, in **Attachment A** and label accordingly.)

Total Demands for All Plants Listed: _____ ESUs (Service Unit Chart is Reference Doc A. 1.0 ESU = 250 gpd)

Existing Plus Proposed Capacity: Service Units: _____ ESUs

Well(s): _____ GPM Booster Pump(s): _____ GPM Tank(s): _____ MG

Drainage and Detention Plans

Have drainage/detention plans been submitted to either the Harris County Flood Control District or the City of Houston's Office of the City Engineer? ☐ Yes ☐ No

If yes to Harris County Flood Control, email a copy of the plans by separate cover to mudreview@houstontx.gov

If yes to the City of Houston, please provide the drawing number _____ and/or project number _____

If no, describe the plans to provide drainage/detention in **Attachment A**. (i.e. is there an existing system to connect to, etc.)

Will the proposed annexation tract(s) no longer be in the floodplain after mitigation factors are taken into account?

☐ Yes ☐ No (Explanation is required, please explain in Attachment A.)

Section 4 - Strategic Partnership Agreement

Does the district have a Strategic Partnership Agreement with the City of Houston? ☐ Yes ☐ No

If yes, what is the term of the contract and in what year does it end?

☐ 30 years Year Contract Ends: _____

☐ _____ years Year Contract Ends: _____

☐ Upon reaching 90% of the District's water, wastewater treatment, drainage facilities, and road facilities have been developed

OR 30 years, whichever comes first. Year 30 Years Ends: _____

% of buildout: _____ % % of developer reimbursement: _____ % Expected year of completion: _____

Section 5 - Water Planning

To ensure all regional water plans are being considered and applied, please provide a letter from the appropriate regional water authority or groundwater reduction plan sponsor acknowledging that the water demand of this project/district is being included in their regional plan. Please include the letter as **Attachment D**. If the District is a member of the City of Houston's GRP, include the 40-year water demand projection as **Attachment D-1**.

Water Authority

Does the district fall within the boundary of a Water Authority? ☐ Yes ☐ No

If yes, which Water Authority: _____

Groundwater Reduction Plan

Of which GRP is the district a member?

☐ **A Water Authority's GRP:** _____

Subsidence/Groundwater Conservation District Water Well Permit No.: _____

☐ **City of Houston's GRP:** HGSD Water Well Permit No.: _____ (Attach 40-yr water demand projection)



CITY OF HOUSTON

WATER DISTRICT CONSENT APPLICATION FORM

☐ Other: _____

☐ None/Not Applicable

Section 6 - Contracts

Does the district hold a sanitary sewer or water supply contract with the City of Houston? ☐ Yes ☐ No

If yes, please provide the type of contract, contract number, and account number in **Attachment A** and label accordingly.



CITY OF HOUSTON

WATER DISTRICT CONSENT APPLICATION FORM

Section 7 - Checklist for Completion

- ☐ Attorney's signature is present on the application
- ☐ Acreage is consistent throughout the application (and is consistent with the TCEQ)
(i.e. Metes and Bounds, Petition, Application, Survey, Vicinity Map, Letters/Certificates)
- ☐ Documents, separated and labeled by attachment, scanned to PDF and emailed to mudreview@houstontx.gov

Required Attachments (Each checklist item should be a separate file and label the file accordingly):

- ☐ **Cover Letter** to the City of Houston detailing the contents of the application and acreage.
- ☐ **Application** – Complete with Attachment A, Attachment A-1, Attachment B, Attachment C and Attachment D
- ☐ **Water/Wastewater Capacity Reservation Letters** – Required only for In-City Districts

File geodatabase – now required. This format is replacing the Shapefile(s) format.

- For Creation Petitions, submit a **file geodatabase** entitled "Proposed_DistrictName_CRT" which shall contain a feature class:
 - the proposed boundary of the district labeled "Proposed_DistrictBoundary_CRT".
- For Addition Petitions, submit a **file geodatabase** entitled "DistrictName_Proposed ANX xx Acres" which shall contain two feature classes:
 - the existing district boundary labeled "ExistingBoundary"; and
 - the proposed annexation tract(s) labeled "ProposedAnnexation".

- ☐ Email the **file geodatabase(s)** separately to mudreview@houstontx.gov.
- ☐ **Petition** to the City of Houston
In-City and ETJ Consent Conditions are available at <https://www.publicworks.houstontx.gov/water-resources>
- ☐ **Exhibit A** – Metes and Bounds, signed and sealed by a licensed surveyor
- ☐ **Exhibit B** – Consent Conditions: ETJ (2006BSeal) or In-City (Exhibit must state that bonds must be approved by city.)
- ☐ **Certificate(s) of Authority** (if the owner/lienholder is a business entity)
- ☐ **Certificate(s) of Lienholder's Consent**
- ☐ **Letters from Adjacent Districts and Municipalities** stating availability of utility services
(Only required for district creation petitions and applicable only if there is not an existing regional plant.)
- ☐ **Vicinity Map** – 8 ½ x 11 grayscale map that clearly shows:

North Arrow

Existing boundary of the district (or N/A if the request for consent is for a district creation)

N, S, W, and E reference points (streets, bayous, or creeks) identified on the application are visible

Discerned proposed tracts (annexations only) are clearly identifiable; include inset map, if necessary

Label of the proposed acreage (total acreage and each tract individually, if there are multiple tracts)

Review the Sample Vicinity Map on the webpage, <https://www.publicworks.houstontx.gov/water-resources>

- ☐ **Survey Map(s)** – legible 8 ½ x 11 grayscale copy, signed and sealed by a licensed surveyor
- ☐ **Application Fee** of \$505.34* per application. Needs to be paid using the City of Houston's iPermits portal.



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WATER DISTRICT CONSENT APPLICATION FORM

*The Filing Fee for District Petitions/Requests for Consent, per Ordinance 2-73, is recalculated each January 1st. Refer to the City-Wide Fee Schedule for the current fee at http://cohweb.houstontx.gov/FIN_FeeSchedule/default.aspx.

NEW PAPERLESS AND ONLINE PAYMENT PROCESSING PROCEDURE!

1. Submit a **complete** application, with all applicable attachments, supporting documents, and file geodatabase(s) to: mudreview@houstontx.gov
2. Once the application is submitted, a sales order will be created and sent back to the applicant who submitted the application for online payment processing using iPermits.
3. The applicant will need to send the receipt of payment back to mudreview@houstontx.gov and Houston Water Planning will proceed with review of the application.

Please Note: The applicant may be contacted at any time during the review process for additional information. Applications may be returned for missing or incomplete information.

Please visit <https://www.publicworks.houstontx.gov/water-resources> for information on the Water District Consent Application

On the Water Resources Section webpage, you will find:

- A blank application
- An example of a complete Application
- Reference Documents for Petitions, Service Units
- Example of Vicinity Map
- Example of 40 Year Demand Projections
- Other website references for contracts, fees, etc.

Contact us at mudreview@houstontx.gov for questions or assistance

For Office Use Only:

LTS No. _____

Original Application Received: _____

Application Sent to Committee: _____

Application Accepted as Complete: _____



CITY OF HOUSTON

WATER DISTRICT CONSENT APPLICATION FORM

Attachment A

1. Additional Owners, if applicable
2. Development of Existing Acreage, Required
 - a. If developed, describe the existing development including public utilities
 - b. If undeveloped, describe the current plans for what specifically will be developed
3. Development of Proposed Acreage, Required
4. Justification as to why the proposed land is to be added to the District, Required
5. Wastewater Treatment Plant Information, if applicable
 - a. Explanation if plant is not in compliance with the State
 - b. Additional Districts/Properties Served by Plant
 - c. Additional Wastewater Treatment Plants
6. Additional Water Treatment Plant Information, if applicable
7. Describe the plans to provide drainage/detention, if applicable
8. Explain if the proposed annexation tract(s) will no longer be in the floodplain after mitigation factors are taken into account, Required
9. Sanitary Sewer or Treated Water Supply Contracts with the City of Houston, if applicable

Required



CITY OF HOUSTON

WATER DISTRICT CONSENT APPLICATION FORM

Attachment A-1

Recorded plat for undeveloped tract

if applicable



CITY OF HOUSTON

WATER DISTRICT CONSENT APPLICATION FORM

Attachment B

Recent FEMA Flood Insurance Rate Map showing the Flood Zone of the proposed acreage

Required



CITY OF HOUSTON

WATER DISTRICT CONSENT APPLICATION FORM

Attachment C

Include the most current Discharge Monthly Report (DMR) for each Wastewater Treatment Plant submitted to TCEQ.

Required



CITY OF HOUSTON

WATER DISTRICT CONSENT APPLICATION FORM

Attachment D

Provide a letter from the appropriate regional water authority or groundwater reduction plan sponsor acknowledging that the water demand of this project/district is being included in their regional plan. The letter from the Water Authority is to acknowledge receipt of notification and approval of the District's plans. The letter from the GRP provider is to acknowledge the proposed water demand has been added to their regional plan.

Required



CITY OF HOUSTON

WATER DISTRICT CONSENT APPLICATION FORM

Attachment D-1

If the District is a member of the City of Houston's GRP, include the 40-year water demand projection, required

City of Houston

Planning & Development Services Division

Impact Fee Service Unit Equivalent Table

Recommended SUs are based on 1.0 SU = 250 gpd.

Line No.	Type of Development	Service Unit Equivalent	Per
1	Bakery	0.0019	Square Foot
2	Banquet Hall (No cooking, warming kitchen only)	0.0200	Occupant
3	Barber Shop	0.6048	Bowl
4	Beauty Shop or Beauty Salon	0.6048	Bowl
5	Bowling Alley (Dining Additional Charge)	0.8000	Lane
6	Car Repair (Office Additional Charge)	0.00020	Square Foot
7	Carwash, Tunnel, Self-Service	8.00	Carwash
8	Carwash, Tunnel, with Attendant	39.60	Carwash
9	Carwash, Wand Type, Self Serve	1.54	Carwash Bay
10	Church or Fellowship Hall	0.0037	Occupant
11	Club, Tavern, or Lounge	0.0399	Occupant
12	Concert Hall	0.0399	Occupant
13	Country Club	0.4032	Member
		0.1008	Guest
		0.0399	Occupant
14	Dance School or Dance Studio	0.0399	Occupant
15	Day Care Center	0.0399	Occupant
16	Dormitory (Dining Additional Charge)	0.3604	Bed
17	Fire Station (Dining Additional Charge)	0.3604	Capita
18	Fitness Center/Club - Freestanding	0.0015	Square Foot
19	Fitness Club - within shopping center	0.0399	Occupant
20	Funeral Home (Services Per Week)	0.39	Service
21	Gas Station with Carwash	11.78	Station
22	Gas Station without Carwash	2.21	Station
23	Grocery Store, 5,000-28,999 Sq Ft	0.00033	Square Foot
24	Grocery Store, 29,000+ Sq Ft	0.0009	Square Foot
25	Homeless Shelter (No cooking or dining)	0.1323	Bed
26	Hospital (Dining Additional Charge)	0.8001	Bed
27	Hotel or Motel, with or w/o kitchenettes	0.7554	Room
28	Manufacturing	0.00020	Square Foot
29	Mobile Home Park	1.00	Space
30	Movie Theater	0.0200	Seat
31	Nail Salon (Manicure or Pedicure)	0.0004	Square Foot
		0.3024	Bowl
32	Nursing Home (Salon & Dining Additional Charge)	0.3604	Bed
33	Office (includes studio, therapy & massage)	0.000237	Square Foot
34	Park	0.0200	Occupant
35	Post Office, Excluding Dock	0.000320	Square Foot
36	Prison	0.3654	Capita
37	Racquetball Court	0.6426	Court
38	Recreational Vehicle Park	0.3000	Vehicle
39	Residence, Apartment with washer/dryer	0.4762	Unit
40	Residence, Apartment without washer/dryer	0.4046	Unit
41	Residence, Condominium	0.4762	Unit
42	Residence, Single Family or Townhouse, up to 3000 Sq Ft (Additional charge of 0.0002 SU per Sq Ft over 3000 Sq Ft)	1.0000	Unit
43	Restaurant, Fast Food	0.0021	Square Foot
44	Restaurant, Full Service/Dining/Bar Area	0.0033	Square Foot
45	Retail	0.000281	Square Foot
46	School (College, High, Middle, Elementary)	0.0198	Seat
47	Skating Rink	0.0200	Capita
48	Stadium	0.0126	Seat
49	Swimming Pool	0.0200	Swimmer
50	Toilet (Park Amenity)	0.1640	Toilet
51	Transportation Terminal (Dining Additional Charge)	0.0200	Passenger
52	Warehouse	0.000121	Square Foot
53	Washateria	0.5639	Machine
54	Water Dispensing Unit - Freestanding	4.5630	Unit

Jeff Goebel

From: Jeff Goebel
Sent: Tuesday, March 28, 2023 4:23 PM
To: Jolly, Frances - HPW; Fitos, Ekaterina - HPW; Tripathi, Satish - HPW
Cc: Mike Ashfield; PWE - Water Contracts
Subject: RE: Undine LLC and CCN Map Amendment Request

Fran,

I am sending a meeting request now for a short phone call.

Thank you

Jeff Goebel
Manager of Business Development
(m) 713-724-9321
jgoebel@undinellc.com



From: Jolly, Frances - HPW <Frances.Jolly@houstontx.gov>
Sent: Tuesday, March 28, 2023 4:19 PM
To: Jeff Goebel <jgoebel@undinellc.com>; Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>; Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>
Cc: Mike Ashfield <mashfield@undinellc.com>; PWE - Water Contracts <watercontracts@houstontx.gov>
Subject: RE: Undine LLC and CCN Map Amendment Request

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Jeff,

I will be available for a phone call tomorrow at your convenience.

Kind Regards,

Fran Jolly Loomis
Contract Administrator, Houston Water
832.395.3094
Frances.Jolly@houstontx.gov

From: Jeff Goebel <jgoebel@undinellc.com>

Sent: Tuesday, March 28, 2023 3:52 PM

To: Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>; Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>

Cc: Mike Ashfield <mashfield@undinellc.com>; Jolly, Frances - HPW <Frances.Jolly@houstontx.gov>; PWE - Water Contracts <watercontracts@houstontx.gov>

Subject: RE: Undine LLC and CCN Map Amendment Request

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Fran,

Are you available for a short phone call tomorrow? I can be available at any time that is convenient for you.

Thank you

Jeff Goebel

Manager of Business Development

(m) 713-724-9321

jgoebel@undinellc.com



From: Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>

Sent: Tuesday, March 28, 2023 3:48 PM

To: Jeff Goebel <jgoebel@undinellc.com>; Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>

Cc: Mike Ashfield <mashfield@undinellc.com>; Jolly, Frances - HPW <Frances.Jolly@houstontx.gov>; PWE - Water Contracts <watercontracts@houstontx.gov>

Subject: RE: Undine LLC and CCN Map Amendment Request

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Jeff,

I have set up a Team's meeting for next Wednesday. Satish may be available. However, I will have our water contracts team available to answer questions. In the meantime, please reach out to Fran Jolly (frances.jolly@houstontx.gov or 832-395-3094). She will be able to give you assistance on the application process, if needed. I have cc'd her on this message to facilitate contact.

We are looking forward to our meeting, and again my condolences for your loss.

Thank you,

Ekaterina Fitos, GISP
Planning Director, Houston Water
Office 832.395.2712 | Cell 281.615.8755



From: Jeff Goebel <jgoebel@undinellc.com>
Sent: Tuesday, March 28, 2023 3:20 PM
To: Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>; Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>
Cc: Mike Ashfield <mashfield@undinellc.com>
Subject: RE: Undine LLC and CCN Map Amendment Request

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Ekaterina,

Thank you for your quick response. If possible, the sooner the better as we are under a Public Utility Commission dead line. I can be available anytime or anywhere you are.

Thank you

Jeff Goebel
Manager of Business Development
(m) 713-724-9321
jgoebel@undinellc.com



From: Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>
Sent: Tuesday, March 28, 2023 3:14 PM
To: Jeff Goebel <jgoebel@undinellc.com>; Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>
Subject: Re: Undine LLC and CCN Map Amendment Request

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Jeff,

Sorry to hear about your loss. Satish is out of the office this week. We can schedule a meeting in the next few weeks. Please send me your availability and I will check our availability. We can also have a team's meeting as that often works better.

Thank you,
Ekaterina Fitos, GISP
Planning Director, Houston Water
Office 832.395.2712 | Cell 281.615.8755

From: Jeff Goebel <jgoebel@undinellc.com>

Sent: Tuesday, March 28, 2023 1:49 PM

To: Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>; Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>

Subject: RE: Undine LLC and CCN Map Amendment Request

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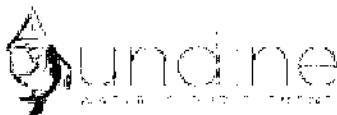
Satish and Ekaterina,

I am not sure if you received the news or not, but our engineer and my friend Jim Ainsworth passed away this past Saturday. When I hear about services I will forward to you.

Jim was helping obtain COH approval for a CCN we are buying. Is there someone I could speak to about this. I would love to set up a meeting and come to your offices to go over what we are doing.

Thank you

Jeff Goebel
Manager of Business Development
(m) 713-724-9321
jgoebel@undinellc.com



From: Jim Ainsworth

Sent: Thursday, March 23, 2023 2:02 PM

To: Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>; Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>

Subject: RE: Undine LLC and CCN Map Amendment Request

Satish – thanks for the update tho’ the news is not good. I’d like to have the opportunity to directly discuss with the responsible parties in both groups. The request is for a map amendment to correct an Investor Owned Utility (IOU) CCN map to reflect what the IOU is actually serving. Undine purchased this IOU and will operate the system. The system has no interconnect or contract with CoH. For an engineer this request seems to be a ministerial function but I am not that hopeful now. Undine is on a deadline to file the amended CCN Map with the Public Utility Commission which oversees IOUs.

Any help is greatly appreciated.

Jim Ainsworth, P.E.
Principal



A&S Engineers, Inc.

A&S Engineers, Inc.
10377 Stella Link Road
Houston, TX 77025-5445
O: 713.942.2700
D: 713.942.2710
C: 713.927.7929
jra@as-engineers.com
www.as-engineers.com

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From: Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>
Sent: Thursday, March 23, 2023 9:44 AM
To: Jim Ainsworth <jra@as-engineers.com>; Fitos, Ekaterina - HPW <Ekaterina.Fitos@houstontx.gov>
Subject: RE: Undine LLC and CCN Map Amendment Request

Jim,

As Lin retired, I am including Ekaterina Fitos (Houston Water Planning Director). Your request needs to go through the water contract group and legal. I would be available if any help needs from my team.

Thank You

With Regards,

Satish Tripathi, P.E.
Managing Engineer
Houston Water, Infrastructure Planning (Water)
832.395.3096 | Cell 713.819.3098



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From: Jim Ainsworth <jra@as-engineers.com>
Sent: Wednesday, March 22, 2023 2:13 PM
To: Tripathi, Satish - HPW <Satish.Tripathi@houstontx.gov>
Subject: Undine LLC and CCN Map Amendment Request

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Satish – I have attached prior correspondence on this issue as well as a possible path forward on this item. The attached Letter (both pdf and in word) will provide Undine LLC what they need to be able to amend the map and file it. This is for a Investor Owned Utility system that they have bought and need to amend the map to reflect actual service boundaries.

Please take a look at the information and see if this can possibly move the process forward.

I am best reached on my cell and email.

Jim Ainsworth, P.E.
Principal



A&S Engineers, Inc.

A&S Engineers, Inc.
10377 Stella Link Road
Houston, TX 77025-5445
O: 713.942.2700
D: 713.942.2710
C: 713.927.7929
jra@as-engineers.com
www.as-engineers.com

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Jeff Goebel

From: Jim Ainsworth <jra@as-engineers.com>
Sent: Tuesday, March 21, 2023 10:13 PM
To: Jeff Goebel
Subject: CCN letter - CoH
Attachments: 230321 Draft Letter - Lin Shih - Houston Water-Water Contracting JRA.docx

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This is letter as currently drafted. I will call CoH in the AM

p.s. – disregard voicemail asking you to call me

Jim Ainsworth, P.E.
Principal



A&S Engineers, Inc.
10377 Stella Link Road
Houston, TX 77025-5445
O: 713.942.2700
D: 713.942.2710
C: 713.927.7929
jra@as-engineers.com
www.as-engineers.com

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