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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 RECOMMENDATION ON
SUFFICIENCY OF NOTICE**

I. INTRODUCTION

On July 14, 2022, Undine Texas, LLC (Undine) 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 No. 13260.

On May 10, 2023, the administrative law judge filed Order No. 11, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on sufficiency of notice and propose a procedural schedule by July 5, 2023. Therefore, this pleading is timely filed.

II. STAFF’S RECOMMENDATION ON SUFFICIENCY OF NOTICE

Staff has reviewed the notice documentation filed by Undine on June 22, 2023 and has found it sufficient. Specifically, Undine filed an affidavit signed by Vance Tillman, Chief Financial Officer, stating that there are no landowners of any tracts of land that are at least twenty-five acres that are wholly or partially included in the area proposed to be certified. Therefore, Staff recommends that Undine’s notice be found sufficient.

III. PROPOSED PROCEDURAL SCHEDULE

Staff recommends that notice be deemed sufficient. Therefore, Staff proposes the following procedural schedule:

Event	Date
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale	July 20, 2023
Deadline for parties to file a response to Staff's recommendation on approval of sale	August 4, 2023
120-day deadline for the Commission to approve the sale or require a hearing	September 20, 2023 ¹

IV. CONCLUSION

For the reasons detailed above, Staff recommends that Undine's proof of notice be found sufficient and that the proposed procedural schedule be adopted and respectfully requests the entry of an order consistent with this recommendation.

¹ Under 16 Texas Administrative Code § 24.239(a) and (i), the deadline for Commission action is one hundred twenty days after the mailing or publication of notice, whichever occurs later. One hundred and twenty days after May 23, 2023 is September 20, 2023.

Dated: July 5, 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 will be provided to all parties of record via electronic mail on July 5, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Ian Groetsch
Ian Groetsch