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DOCKET NO. 53827

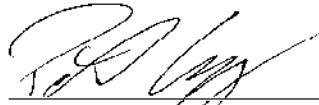
APPLICATION OF NITSCH AND SON	§	PUBLIC UTILITY COMMISSION
UTILITY COMPANY, INC., AND UNDINE	§	
TEXAS, LLC, FOR SALE, TRANSFER, OR	§	OF TEXAS
MERGER OF FACILITIES AND	§	
CERTIFICATE RIGHTS IN HARRIS	§	
COUNTY, TEXAS	§	

APPLICANTS' SUPPLEMENTAL FILING

Undine Texas, LLC ("Undine") and Nitsch and Son Utility Company ("Nitsch"), Applicants herein, file the supplemental information set forth in Attachment A into the record consistent with Commission Staff's request.

Respectfully submitted,

Gregg Law PC



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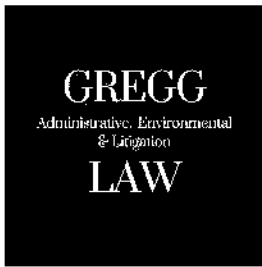
Attorneys for Applicants

DOCKET NO. 53827

CERTIFICATE OF SERVICE

By my signature above, 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 August 14, 2023 in accordance with the Order Suspending Rules issued in Project No. 50664.

ATTACHMENT A



Peter T. Gregg
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August 14, 2023

Via Email – ian.groetsch@puc.texas.gov

RE: PUC Docket ID No. 53827 – City of Houston Consent

Dear Mr. Groetsch:

As you know, Commission Staff has requested, in order to issue its recommendation on the application, that Undine confirm it has satisfied the consent requirement regarding the portion of the CCN area to be transferred or amended that is located within the City of Houston geographical area.

Undine reports that it has satisfied the consent provision pursuant to 16 Tex. Admin. Code 24.233(c)(3), which provides:

- (c) Application within the municipal boundaries or extraterritorial jurisdiction of certain municipalities.
 - (1) This subsection applies only to a municipality with a population of 500,000 or more.
 - (2) Except as provided by paragraphs (3)-(7) of this subsection, the commission may not grant to a retail public utility a CCN for a requested area within the boundaries or extraterritorial jurisdiction of a municipality without the consent of the municipality. The municipality may not unreasonably withhold the consent. As a condition of the consent, a municipality may require that all water and sewer facilities be designed and constructed in accordance with the municipality's standards for facilities.
 - (3) If a municipality has not consented under paragraph (2) of this subsection before the 180th day after the date the municipality receives the retail public utility's application, the commission shall grant the CCN without the consent of the municipality if the commission finds that the municipality:
 - (A) does not have the ability to provide service; or
 - (B) has failed to make a good faith effort to provide service on reasonable terms and conditions

The City of Houston received the application no later than November 3, 2022.¹ Since that time, the City has failed to make a good faith effort to provide service on reasonable terms and conditions (recognizing such effort would make little sense to the City, understanding this application entails

¹ Email communications between Undine representatives and City of Houston representatives between November 21, 2023 and November 23, 2023 confirm the city's acknowledgment of receipt.

the transfer of a small existing CCN area as well as minor amendment of the CCN area for purposes of clarifying the relevant service area).

Based on the above, Undine asserts it has satisfied the consent requirement regarding the City of Houston and therefore requests that Staff consider this information in moving the application forward.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Peter T. Gregg", with a stylized flourish extending from the end.

Peter T. Gregg

cc: Client