



Filing Receipt

Filing Date - 2023-09-27 02:57:22 PM

Control Number - 53827

Item Number - 60

DOCKET NO. 53827

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

UNDINE'S RESPONSE TO ORDER NO. 15

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW Undine Texas, LLC (Undine or Applicant), and files its response to Order No. 15 in the above-referenced matter.

On September 19, 2023, the administrative law judge (ALJ) issued Order No. 15, requiring Applicants to, by September 27, 2023, identify in the record where the emails referenced in Undine's August 14, 2023 supplemental filing (Docket No. 53827-52) are located. Therefore, this response is timely filed.

In response to Order No. 15, Undine provides the following information. Attached as **Exhibit A** are the emails referenced in Undine's August 14, 2023 supplemental filing.

Undine hereby requests the ALJ consider this supplemental information in satisfaction of Order No. 15.

Submitted September 27, 2023.

Respectfully submitted,

Gregg Law PC



Peter T. Gregg
State Bar No. 00784174
910 West Ave., No. 3
Austin, Texas 78701
Phone: 512-522-0702
Fax: 512-727-6070
pgregg@gregglawpc.com

**Attorneys for Applicant
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 September 27, 2023 in accordance with the Order Suspending Rules filed in Project No. 50664.

EXHIBIT A

From: Peter Gregg
Sent: Wednesday, November 23, 2022 4:13 PM
To: Chang, YuShan - LGL
Cc: Shih, Lin - HPC-HPW; Peter Gregg
Subject: RE: CCN Amendment Application - Undine Texas, LLC
Attachments: 53827_9_1224635 MAPS.pdf

YuShan,

My understanding is that we are acquiring the existing CCN area as well as requesting an amendment of the CCN to do some minor cleanup to capture certain lots that have been receiving service but where, presumably inadvertently, not included in the existing CCN. The attached mapping hopefully explains better what is being done. The bottom line, though, is that the application seeks (1) a transfer of the CCN area currently held by Nietsch; and (2) an amendment of the CCN (to add those "cleanup" lots).

Hope that answers it.

Thanks,

Peter

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

From: Chang, YuShan - LGL <YuShan.Chang@houstontx.gov>
Sent: Wednesday, November 23, 2022 12:51 PM
To: Peter Gregg <pgregg@gregglawpc.com>
Cc: Shih, Lin - HPC-HPW <Lin.Shih@houstontx.gov>
Subject: RE: CCN Amendment Application - Undine Texas, LLC

Thanks Peter. It appears from the PUC memo, that a portion of the proposed service currently has no CCN and it's inside the City of Houston. Is this correct? Your email mentioned transfer of CCN from one utility to another, but it seems there's a portion that has no CCN with either Undine or Orbit water system. Is this correct?

YuShan Chang
Sr. Assistant City Attorney
City of Houston Legal Department
900 Bagby, 4th Floor
Houston, TX 77002
832.393.6442 (phone)
832.393.6259 (fax)

The information above or attached is privileged and/or confidential. If you received this data in error, please notify me, destroy all copies immediately, and do not copy or distribute the information.

From: Peter Gregg <pgregg@gregglawpc.com>
Sent: Tuesday, November 22, 2022 4:00 PM
To: Chang, YuShan - LGL <YuShan.Chang@houstontx.gov>
Cc: Shih, Lin - HPC-HPW <Lin.Shih@houstontx.gov>; Peter Gregg <pgregg@gregglawpc.com>
Subject: RE: CCN Amendment Application - Undine Texas, LLC

[This message came from outside the City of Houston email system. Please be careful while clicking links, opening attachments, or replying to this email.]

They are both STM applications – one for the transfer of the Orbit water system to Undine and one for the transfer of the Orbit sewer system to Undine. The PUC's rules require consent by a municipality if any part of the CCN area to be transferred is located in a city boundary. The "consent" is simply a letter from the municipality recognizing the overlap and agreeing they have no objection to it. Here is the issues as identified by PUC staff, containing the relevant citations.

Undine Texas, LLC (Undine) and Nitsch & Son Utility Company, Inc. (Nitsch & Son) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Harris County, Texas, under Texas Water Code (TWC) §§ 13.242 through 13.250 and § 13.301 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237 and § 24.239.

Specifically, Undine, Certificate of Convenience and Necessity (CCN) No. 13260, seeks approval to acquire facilities and to transfer all of the water service area from Nitsch & Son under water CCN No. 13260 and to amend uncertificated area to CCN No. 13260.

Based on the mapping review and my technical and managerial review of the additional information filed by the Applicants on July 25, 2022, I recommend that the application be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

Application Content:

A portion of the uncertificated requested area is inside the City of Houston's city limits. Please provide a letter of consent from the City of Houston to allow Undine to provide service inside the city limits.

If I can provide additional information, please let me know.

Thank you,

Peter

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

From: Chang, YuShan - LGL <YuShan.Chang@houstontx.gov>
Sent: Tuesday, November 22, 2022 1:00 PM
To: Peter Gregg <pgregg@gregglawpc.com>
Cc: Shih, Lin - HPC-HPW <Lin.Shih@houstontx.gov>
Subject: RE: CCN Amendment Application - Undine Texas, LLC

Peter,

We need some clarification about Undine Texas, LLC's ("Undine") request.

What is Undine requesting the City approve? Is it a sale, transfer, merger or some other matter? Under what state statute is the utility requesting the City's approval?

Thanks,

YuShan Chang
Sr. Assistant City Attorney
City of Houston Legal Department
900 Bagby, 4th Floor
Houston, TX 77002
832.393.6442 (phone)
832.393.6259 (fax)

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From: Peter Gregg <pgregg@gregglawpc.com>
Sent: Monday, November 21, 2022 7:08 PM
To: Chang, YuShan - LGL <YuShan.Chang@houstontx.gov>
Cc: Shih, Lin - HPC-HPW <Lin.Shih@houstontx.gov>; Peter Gregg <pgregg@gregglawpc.com>
Subject: RE: CCN Amendment Application - Undine Texas, LLC

[This message came from outside the City of Houston email system. Please be careful while clicking links, opening attachments, or replying to this email.]

Thank you. I will do so. I appreciate your assistance.

Regards,

Peter

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

From: Chang, YuShan - LGL <YuShan.Chang@houstontx.gov>
Sent: Monday, November 21, 2022 10:29 AM
To: Peter Gregg <pgregg@gregglawpc.com>
Cc: Shih, Lin - HPC-HPW <Lin.Shih@houstontx.gov>
Subject: RE: CCN Amendment Application - Undine Texas, LLC

Peter,

Please send your request for CCN consent, application, and supporting documents to Lin Shih in the City's Public Works Department at lin.shih@houstontx.gov.

Thanks,

YuShan Chang

Sr. Assistant City Attorney
City of Houston Legal Department
900 Bagby, 4th Floor
Houston, TX 77002
832.393.6442 (phone)
832.393.6259 (fax)

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From: Peter Gregg <pgregg@gregglawpc.com>
Sent: Thursday, November 3, 2022 8:17 AM
To: Chang, YuShan - LGL <YuShan.Chang@houstontx.gov>
Cc: Peter Gregg <pgregg@gregglawpc.com>
Subject: CCN Amendment Application - Undine Texas, LLC

[This message came from outside the City of Houston email system. Please be careful while clicking links, opening attachments, or replying to this email.]

Yushan,

Thank you for the discussion earlier this week on the subject matter. Attached is the map reflecting the Water CCN area located with the City of Houston to be transferred from the current owner to my client. You will see on the map the small area comprising the proposed expansion of the CCN with in COH. I believe that is the area for which PUC is seeking consents (see - https://interchange.puc.texas.gov/Documents/53827_10_1230525.PDF). I have also attached the sewer map, as an fyi. There is no new CCN area being proposed for the sewer CCN.

The two PUC dockets are 53827 (water) and 53828 (sewer).

I certainly appreciate your help, and please let me if there is more that I can provide.

Regards,

Peter

Peter T. Gregg
Gregg Law PC
910 West Ave., Suite #3
Austin, Texas 78701
O: 512-522-0702
M: 512-569-9852
[Website](#)
[Bio](#)



Filing Receipt

Received - 2022-07-25 11:39:17 AM
Control Number - 53827
ItemNumber - 9



A&S
Business Group Inc.

A&S Business Group, Inc.

PO Box 669

Seadrift, TX 77983

512-636-7899

July 25, 2022

Public Utility Commission of Texas

PO Box 13326

Austin, TX 78711-3326

Re: Docket # 53827, Undine Texas, LLC to Transfer and Amend Nitsch & Son Utility, CCN No. 11124

I am filing revised mapping information on behalf of Undine Texas, LLC, CCN No. 13260. Digital data in shapefile format for the amended area was edited to remove a very small sliver of overlap with CCN No. 10833. PDF maps were revised to correct applicant name and CCN number and a few other changes to the heading and legend text, as advised by PUC mapping staff. I am also refiling the transfer area shapefile as well, although there have been no changes.

Please feel free to contact me if you have questions.

Sincerely,

Suzanne Burt, President

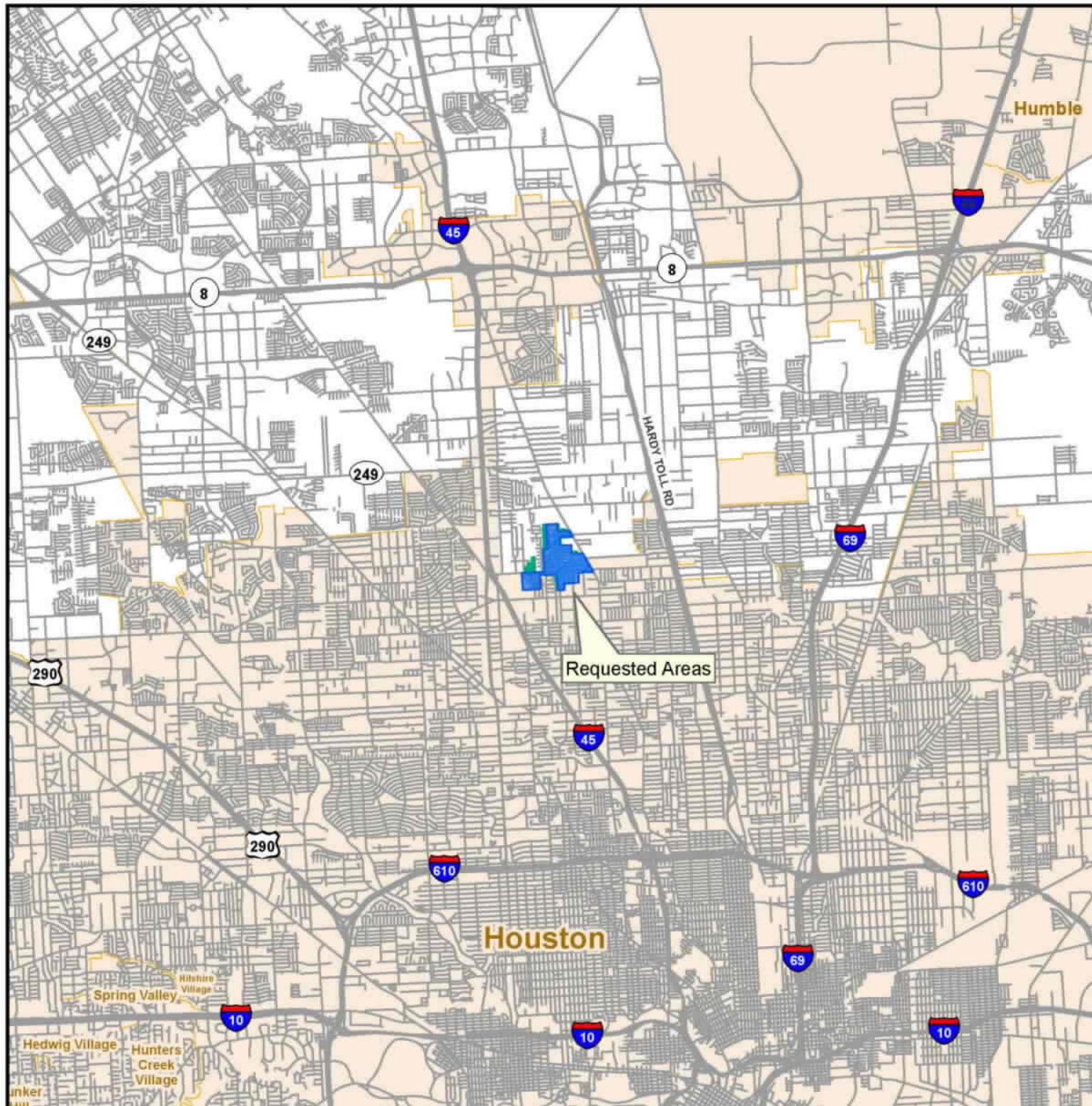
A&S Business Group, Inc.

PO Box 669

Seadrift, Texas 77983

512-636-7899

Mapping Services & Solutions



Water General Location

Undine Texas, LLC

Application to Transfer All of Nitsch & Son Utility, Water CCN No. 11124 to Undine Texas, LLC, CCN No.13260
and to Amend Water CCN No. 13260 in Harris County

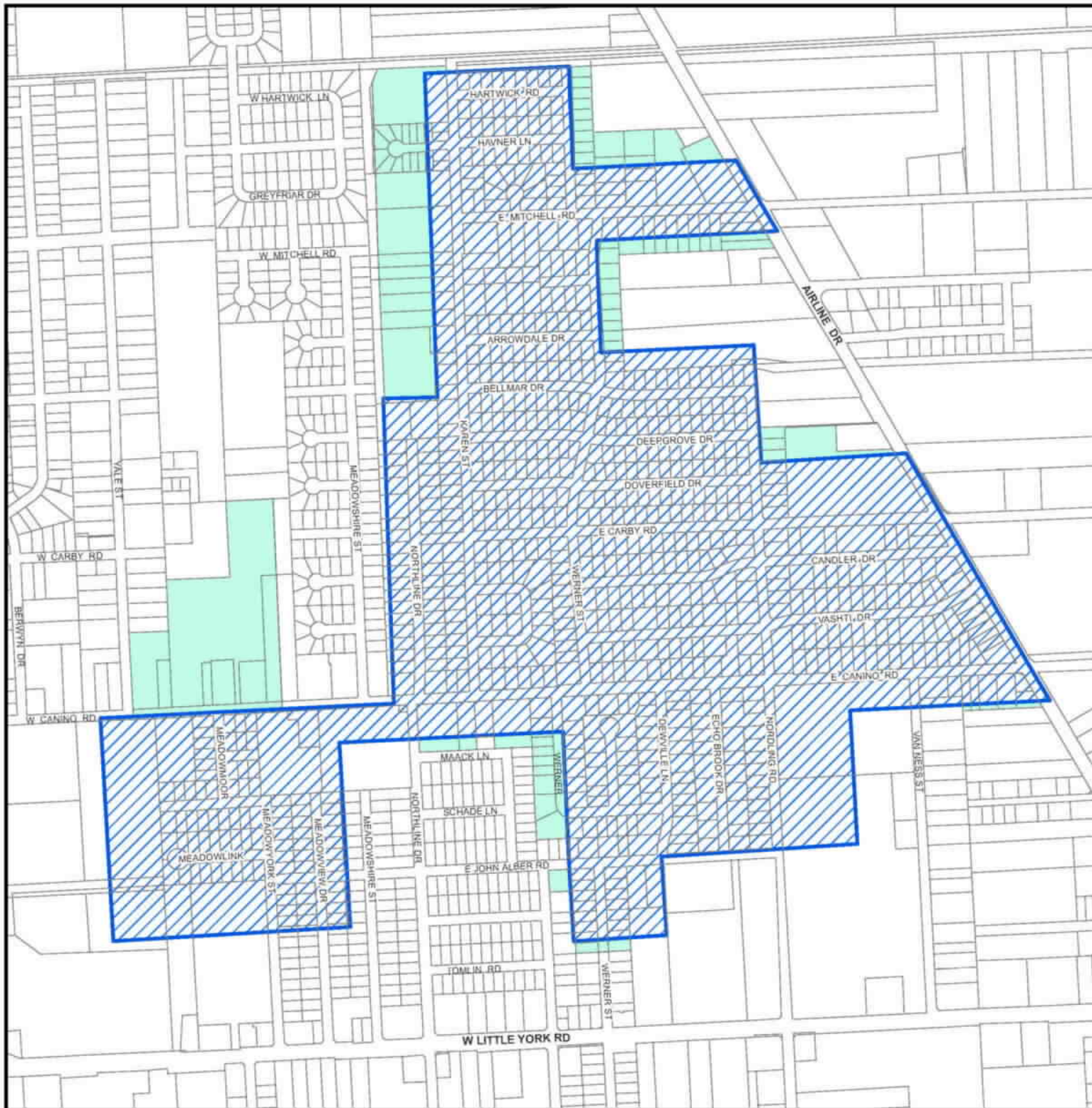
Requested Areas

- Transfer Area - CCN 11124 to CCN 13260
- Amend to Add Water Service Area



0 1 2
Miles

Map by: S. Burt, ASBGI
Date: July 21, 2022
Base: TxDOT Roadways 2019, TxDOT City Limits
Project: Water General Location.mxd



Water Detail Map

Undine Texas, LLC

Application to Transfer All of Nitsch & Son Utility, Water CCN No. 11124 to Undine Texas, LLC, CCN No. 13260
and to Amend Water CCN No. 13260 in Harris County

Requested Areas



Transfer Area - CCN 11124 to CCN 13260



Amend to Add Water Service Area



0 400 800
Feet

Map by: S. Burt, ASBGI

Date: July 21, 2022

Base: Harris CAD Land Parcels

Project: Water Detail Map.mxd



NEED FOR SERVICE - WATER

Undine Texas, LLC

Application to Transfer All of Nitsch & Son Utility, Water CCN No. 11124 to Undine Texas, LLC, CCN No. 13260
and to Amend Water CCN No. 13260 in Harris County



0 400 800
Feet

Map by: S. Burt, ASBGI
Date: July 21, 2022
Base: Harris CAD Land Parcels
Project: Water Need for Service.mxd

The following files are not convertible:

TransferCCN11124.dbf
TransferCCN11124.prj
TransferCCN11124.shp
TransferCCN11124.shx
requested_water_amend.dbf
requested_water_amend.prj
requested_water_amend.shp
requested_water_amend.shx

Please see the ZIP file for this Filing on the PUC Interchange in order to access these files.

Contact centralrecords@puc.texas.gov if you have any questions.

From: Peter Gregg
Sent: Monday, November 21, 2022 7:08 PM
To: lin.shih@houstontx.gov
Cc: Peter Gregg
Subject: FW: CCN Amendment Application - Undine Texas, LLC
Attachments: Water with City of Houston.pdf; Sewer with City of Houston.pdf

Ms. Shih,

Thank you in advance for your assistance in this matter. I tried to provide all of the relevant information in my initial email to Ms. Chang, as set out below and attached. Can you please tell me what additional information you need to evaluate the request?

I appreciate it.

Regards,

Peter

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

From: Chang, YuShan - LGL <YuShan.Chang@houstontx.gov>
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Austin, Texas 78701
O: 512-522-0702
M: 512-569-9852
[Website](#)
[Bio](#)



Map by: S. Burt, ASBGI
Date: November 1, 2022
Base: Harris CAD Land Parcels
Project: Sewer with City of Houston.mxd

