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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 SUPPLEMENTAL RECOMMENDATION

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 Rockwall County. Specifically, Applicants seeks approval to acquire facilities and to transfer water service area held under Certificate of Convenience and Necessity (CCN) No. 13260.

On October 2, 2023, the administrative law judge (ALJ) filed Order No. 16, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation regarding the City of Houston's (City) consent under 16 Texas Administrative Code (TAC) § 24.233(c)(2)-(4). Therefore, this pleading is timely filed.

I. SUPPLEMENTAL RECOMMENDATION AND MOTION TO ADMIT INTO EVIDENCE

On September 27, 2023, Applicants filed a response to Order No. 15, addressing the identification of emails provided to the City. Staff has reviewed the supplemental information provided by the Applicants and recommends that Applicants have complied with the requirements of 16 TAC § 24.233(c)(2)-(4). The City was provided notice no later than November 22, 2022 according to the information filed by the Applicant. The City failed to take any action to provide service on reasonable terms and conditions, or participate in this docket at all, despite being provided with the docket number and information regarding the nature of the application. Staff therefore recommends that the Commission grant the CCN amendment without the explicit consent of the City under 16 TAC § 24.233(c)(3)(B).

Staff further moves that this recommendation and the applicants supplemental filing made on September 27, 2023 be admitted into evidence in this docket.

II. CONCLUSION

For the reasons detailed above, Staff recommends that the Commission grant the CCN amendment without the consent of the City pursuant to 16 TAC § 24.233(c)(3)(B), and that this recommendation and the supplemental filing made on September 27, 2023 be admitted as evidence. Staff respectfully requests an order consistent with the foregoing.

Dated: October 9, 2023

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Marisa Lopez Wagley
Division Director

John York Harrison
Senior Managing Attorney

/s/ Kevin Pierce
Kevin Pierce
State Bar No. 24093879
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3480
(512) 936-7265
(512) 936-7268 (facsimile)
Kevin.Pierce@puc.texas.gov

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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 October 9, 2023, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Kevin Pierce
Kevin Pierce