



## **Filing Receipt**

**Filing Date - 2024-09-24 01:09:12 PM**

**Control Number - 53827**

**Item Number - 90**

**DOCKET NO. 53827**

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

**COMMISSION STAFF’S RESPONSE TO ORDER NO. 27**

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

On September 18, 2024, the administrative law judge filed Order No. 27, directing the Staff (Staff) of the Public Utility Commission of Texas to file a recommendation on the sufficiency of Undine Texas, LLC's response to Order No. 26 and August 15, 2024 filing by September 24, 2024. Therefore, this pleading is timely filed.

**I. SUPPLEMENTAL RECOMMENDATION**

Staff has reviewed Undine’s response to Order No. 26 and supplemental mapping information<sup>1</sup> and recommends as detailed in the memorandum from Patricia Garcia, Infrastructure Division, recommends that Undine’s August 6, 2024 filing is sufficient to show compliance with the requirements of Texas Water Code (TWC) § 13.245(c) or, alternatively, TWC § 13.245(c-2) and that the revised mapping data filed by Undine on August 15, 2024 is sufficient.

**II. CONCLUSION**

For the reasons detailed above, Staff respectfully requests that an order be issued finding Undine's response to Order No. 26 and supplemental mapping information sufficient. Staff intends to submit the revised joint proposed notice of approval per the adopted procedural schedule from Order No. 27.

---

<sup>1</sup> Cover Letter Revised Detailed Map Digital Mapping Data: Revised Requested Area to Amend Requested Area to Transfer (Aug. 15, 2024).

Dated: September 24, 2024

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Marisa Lopez Wagley  
Division Director

Ian Groetsch  
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

**DOCKET NO. 53827**

**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 2024-09-24 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin Pierce  
Kevin Pierce

# *Public Utility Commission of Texas*

---

## **Memorandum**

**TO:** Kevin Pierce, Attorney  
Legal Division

**FROM:** Patricia Garcia, Infrastructure Analysis Section Director  
Infrastructure Division

**DATE:** September 24, 2024

**RE:** Docket No. 53827 – *Application of Undine Texas, LLC and Nitsch and Son Utility Company, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Harris County*

---

### **1. Application**

On July 14, 2022, 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. 11124 and to amend uncertificated area to CCN No. 13260.

Based on the mapping review by Hank Journey, Infrastructure Division, the revised map and digital mapping data filed with Item 87 on August 15, 2024 are sufficient. Sufficient documentation was filed with Item 86 on August 6, 2024, indicating the City of Houston's signed consent to allow Undine to provide retail water within the requested area that overlaps the corporate boundaries of the City of Houston under 16 TAC §24.233 (a)(4)(B).

The requested area includes 710 customer connections and approximately 322 acres, comprised of:

276 acres to transfer from Nitsch & Son (CCN No. 11124) to Undine (CCN No. 13260); and 46 acres of uncertificated area to amend (add) to CCN No. 13260.

The application proposes the subtraction of approximately 276 acres from CCN No. 11124 and the addition of approximately 322 acres to CCN No. 13260.

### **2. Recommendation**

Based on the above information and previously filed recommendations, I recommend that the Commission find that the transaction will serve the public interest.

