



Filing Receipt

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

Control Number - 53827

Item Number - 90

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 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 information¹ 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.

¹ 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**

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/s/ Kevin Pierce
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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 Journeay, 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.

