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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		

JOINT CORRECTIONS TO NOTICE OF APPROVAL

On July 14, 2022, Undine Texas LLC (Undine) and Nitsch and Son Utility Company, Inc. (Nitsch) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Harris County. Specifically, Applicants seek approval to transfer facilities and to transfer water service area held under Certificate of Convenience and Necessity (CCN) No. 13260 from Nitsch to Undine.

- I. On October 17, 2024, the administrative law judge (ALJ) filed a Notice of Approval, approving the Applicants application. 16 Texas Administrative Code (TAC) § 22.35(c)(1) provides that any party may file corrections to a notice of approval within 15 days of the issuance of such notice.

Therefore, this pleading is timely filed. **CORRECTIONS TO NOTICE OF APPROVAL**

Staff and the Applicants (collectively, the Parties) have reviewed the Notice of Approval and note that it is inconsistent with the mutually negotiated and jointly filed Joint Proposed Notice of Approval filed on October 1, 2024 under AIS Item #93. The Parties believe that the items missing from the Notice of Approval are crucial to the fair adjudication of this docket and the implementation of the transfer of facilities and certificate rights between Nitsch and Son Utility Company, Inc., and Undine Texas LLC.

Because there are specific circumstances relating to Undine's acquisition of facilities and the implementation of new rates on Nitsch's former ratepayers, the Parties coordinated discussions to ensure that the ratepayers would be minimally affected. Pursuant to those discussions, Undine executed a letter agreement (admitted as evidence on October 17, 2024 in ALJ Order No. 29) committing to financial actions relating to credits to ratepayers for differences in charges between Nitsch's and Undine's tariffs, and to implement rates in phases so as to not create undue economic hardship. This comports with the Commission's statutorily imposed mandate to grant a CCN for the service, accommodation, convenience, or safety of the public.

It is crucial to that mandate that the following findings of fact, conclusions of law, and ordering paragraphs from the Joint Proposed Notice of Approval (filed October 1, 2024, as AIS #93) be included in the Notice of Approval:

Findings of Fact Nos. 66, 67, 68, 69, 70, 71, and 72

Ordering Paragraphs Nos. 7 and 9

Secondly, in review of the Notice of Approval, Staff discovered that the map that was attached was incorrect. Staff attaches the correct map hereto as **Exhibit A**.

II. CONCLUSION

For the reasons detailed above, the Parties respectfully request the ALJ correct the Notice of Approval and reissue the same consistent with the Joint Proposed Notice of Approval filed by Staff and Applicants on October 1, 2024. The undersigned counsel for Undine represents that Nitsch has authorized them to file this joint filing on Nitsch's behalf.

Dated: November 4, 2024.

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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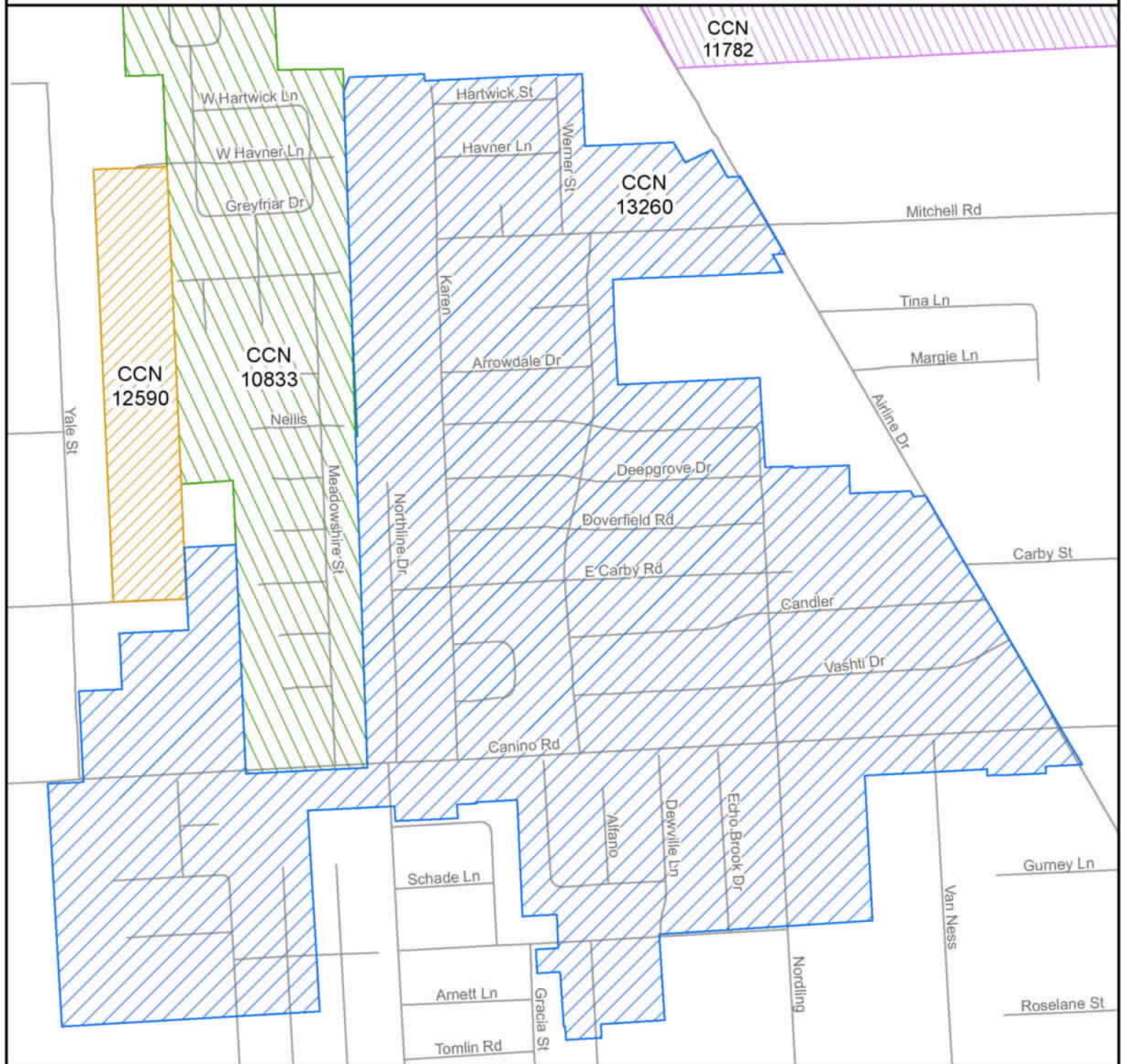
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CERTIFICATE OF SERVICE

I, Peter Gregg, certify by my signature above 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 November 4, 2024 in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

Exhibit A

PUCT Docket No. 53827
Undine Texas, LLC
Portion of Water CCN No. 13260
Transfer all of Nitsch & Son Utility Company, Inc., CCN No. 11124
and Amend CCN No. 13260 in Harris County



Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78701

Water CCN

-  13260 - Undine Texas LLC
-  10833 - Sunbelt FWSD
-  12590 - Country Living Apt Water Well
-  11782 - Westfield Mobile Home Park

0 375 750
Feet



Map by: Komal Patel
Date: October 22, 2024
Project: 53827UndineTx.mxd