



Filing Receipt

Received - 2023-03-16 02:41:20 PM

Control Number - 53828

ItemNumber - 35

DOCKET NO. 53828

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

UNDINE SUPPLEMENTAL RESPONSE TO ORDER NO. 5

COMES NOW, Applicant, Undine Texas Environmental, LLC ("Undine") and files this Supplemental Response to Order No. 5.

Attached as Exhibit A is the notice to Texas Water Utilities, LP (formerly Monarch Utilities), an affidavit of delivery and notice, and the maps associated with Undine's application.

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 Undine Texas Environmental, LLC

CERTIFICATE OF SERVICE

I certify pursuant to the above signature that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on March 16, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.

EXHIBIT A

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES
DOCKET NO. 53828

STATE OF TEXAS
COUNTY OF Harris

Undine Texas Environmental, LLC has provided individual notice to the following entities and customers:

Texas Water Utilities, LP
(formerly Monarch Utilities)

DATE OF NOTICE
March 14, 2023

OATH

I, Vance Tillman, being duly sworn, file this form as Chief Financial Officer (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set for therein are true and correct.

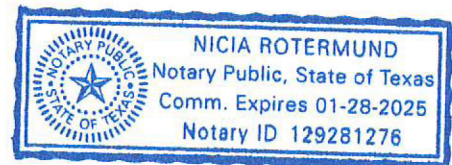
Vance Tillman
Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this 15th day of March, 2023
to certify which witness my hand and seal of office.

Nicia Rotermund
Notary Public in and for the State of Texas
Print or Type Name of Notary Public

Commission Expires January 28, 2025



Notice to Current Customers, Landowners, Neighboring Systems, and Cities
UNDINE TEXAS ENVIRONMENTAL, LLC, CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) NO. 20816, NOTICE OF INTENT TO AMEND UNCERTIFICATED
AREA TO CCN NO. 20816 AND PURCHASE SEWER FACILITIES AND TO TRANSFER
SEWER SERVICE AREA UNDER CCN NO. 20446 FROM NITSCH & SON UTILITY
COMPANY, INC. IN HARRIS COUNTY, TEXAS

To: ***Texas Water Utilities***
12535 Reed Rd
Sugarland, Texas 77478

Date Notice Mailed: March 14, 2023

<u>Undine Texas Environmental, LLC</u>	<u>17681 Telge Road</u>	<u>Cypress, TX</u>	<u>77429</u>
(Purchaser's Name)	(Address)	(City), (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to amend uncertificated area to CCN No. 20816 and to purchase all of the sewer facilities and to transfer sewer certificated service area under CCN No. 20446, in Harris County, TX from:

<u>Nitsch & Son Utility Company, Inc.</u>	<u>8131 Northline Drive</u>	<u>Houston, TX</u>	<u>77037</u>
(Seller's Name)	(Address)	(City), (State)	(Zip Code)

The requested area overlaps the district boundaries of:

- *Airline Improvement District*
- *Gulf Coast Authority*
- *Harris County Flood Control District (FCD)*
- *Port of Houston Authority*

If these districts do not request a public hearing, the Commission shall determine that the district is consenting to the Undine Texas Environmental, LLC's request to provide retail sewer utility service in the requested area.

The sale is scheduled to take place if approved by the Commission (Texas Water Code § 13.301). The transaction and the transfer of the CCN includes the following:

The requested area includes 605 customer connections, is located approximately 8 mile(s) north of downtown Houston, Texas, and is generally bounded on the north by Gulf Bank Road; on the east by Airline Drive; on the south by Little York Road; and on the west by Berwyn Drive.

The requested area includes approximately 278 acres, comprised of:

- 83 acres of uncertificated area;
- 195 acres of transferred area from Nitsch & Son Utility (CCN No. 20446) to Undine Texas Environmental, LLC (CCN No. 20816).

The application proposes the subtraction of approximately 195 acres from CCN No. 20446 and the addition of approximately 278 acres to CCN No. 20816.

See enclosed map showing the requested area.

The proposed transaction will change the current customers' rates and services to the current approved rates and services of Undine Texas Environmental, LLC, which are higher than the current rate for all meter sizes for Nitsch & Son Utility Company, Inc. To view a copy of the current approved tariff, go to: <https://www.undinellc.com/wp-content/uploads/Undine-Texas-Environmental-LLC-Sewer-Tariff.pdf> or email info@undinellc.com or call [713-574-5953](tel:713-574-5953) to request a copy.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the uncertificated requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large-scale map, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.

Persons who wish to request this option should file the required documents with the:

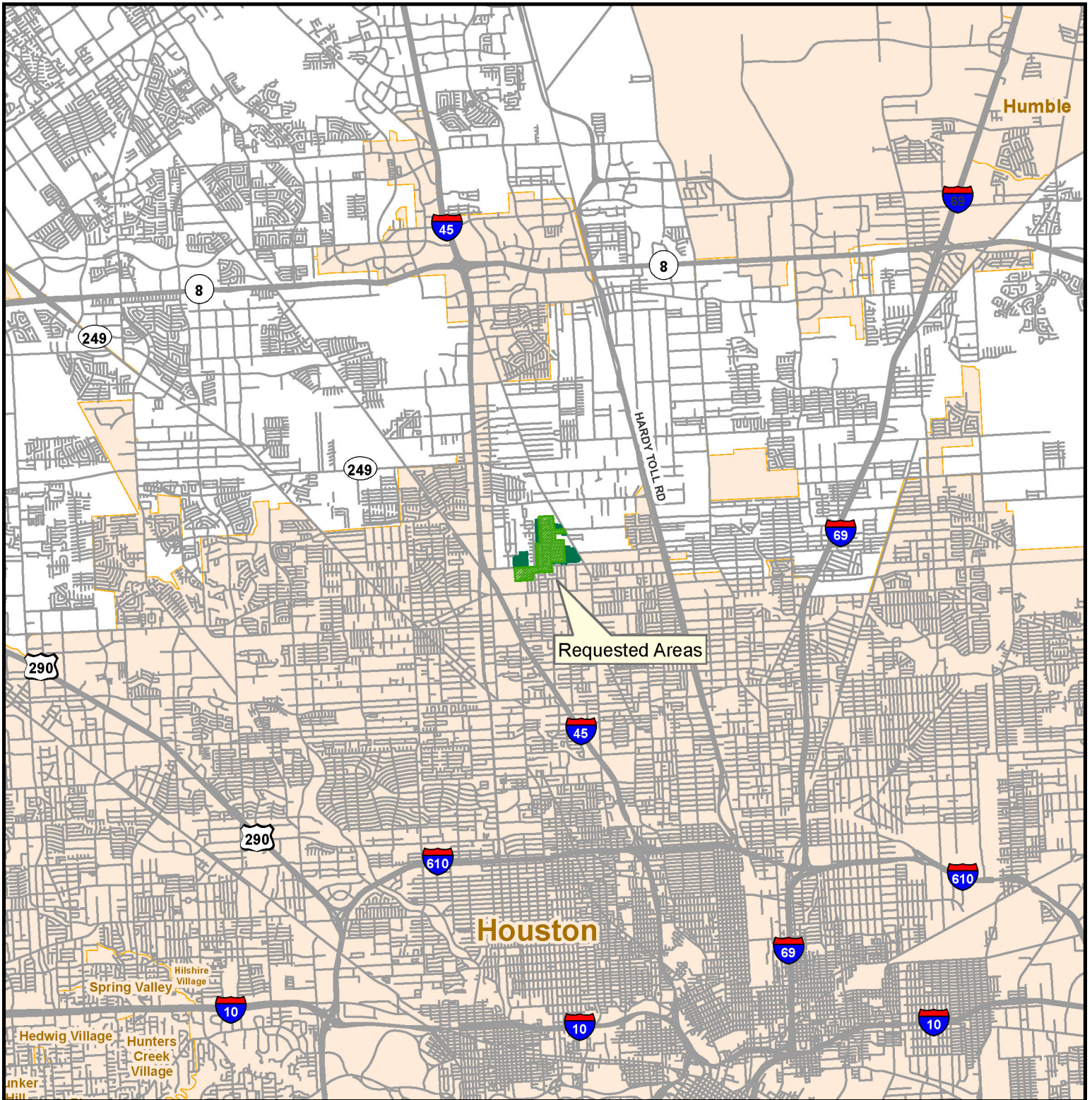
Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

Si desea información en español, puede llamar al 1-888-782-8477.

Carey Thomas
Utility Representative

Undine Texas Environmental, LC
Utility Name





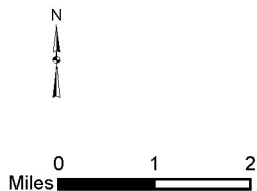
Sewer General Location

Undine Texas Environmental, LLC

Application to Transfer All of Nitsch & Son Utility, Sewer CCN No. 20446 to Undine Texas Environmental, LLC, CCN No. 20816 and to Amend Sewer CCN No. 20816 in Harris County

Requested Areas

-  Transfer Area -CCN 20446 to CCN 20816
-  Amend to Add Sewer Service Area







Sewer Detail Map

Undine Texas Environmental, LLC

Application to Transfer All of Nitsch & Son Utility, Sewer CCN No. 20446 to Undine Texas Environmental, LLC, CCN No. 20816 and to Amend Sewer CCN No. 20816 in Harris County

Requested Areas

-  Transfer Area -CCN 20446 to CCN 20816
-  Amend to Add Sewer Service Area



Map by: S. Burt, ASBGI
 Date: July 21, 2022
 Base: Harris CAD Land Parcels
 Project: Sewer Detail Map.mxd