



## Filing Receipt

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**Control Number - 54208**

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**DOCKET NO. 54208**

<b>PETITION OF UNDINE</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DEVELOPMENT, LLC AND SOUTH</b>	<b>§</b>	
<b>CENTRAL WATER COMPANY FOR</b>	<b>§</b>	<b>OF TEXAS</b>
<b>APPROVAL OF A SERVICE AREA</b>	<b>§</b>	
<b>CONTRACT UNDER TEXAS WATER</b>	<b>§</b>	
<b>CODE § 13.248 AND TO AMEND</b>	<b>§</b>	
<b>CERTIFICATES OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN HARRIS COUNTY</b>	<b>§</b>	

**JOINT MOTION TO ADMIT EVIDENCE AND  
PROPOSED NOTICE OF APPROVAL**

COME NOW Undine Development, LLC (Undine) and South Central Water Company (South Central) (collectively, the Petitioners), together with the Staff of the Public Utility Commission of Texas (Commission Staff or Staff) (collectively, the Parties), and file this Joint Motion to Admit Evidence and Proposed Notice of Approval. In support thereof, the Parties show the following:

**I.**

**BACKGROUND**

On October 13, 2022, Petitioners filed a petition with the Public Utility Commission of Texas (Commission) for approval of a service area contract and to amend Certificates of Convenience and Necessity (CCN) in Harris County. The relief requested affects a portion of South Central’s water CCN No. 13061 and sewer CCN No. 20964, transferring approximately 117 acres to Undine water CCN No. 12407 and sewer CCN No. 20948. Petitioners filed supplemental information on November 11, 2022.

On December 2, 2022, Staff filed a recommendation that Petitioners’ petition was consistent with the applicable Commission rules.

On January 4, 2023, Staff provided a final map, a revised certificate, and a proposed tariff to Undine for review and consent.

On January 4, 2023, South Central filed its consent form concurring with the final map, revised certificate, and proposed tariff.

On February 16, 2023, Undine filed its consent form concurring with the final map, revised certificate, and proposed tariff.

On December 14, 2022, the administrative law judge (ALJ) filed Order No. 3, finding the petition administratively complete and notice sufficient. On February 27, 2023, the ALJ issued Order No. 4, establishing a procedural schedule and setting a deadline of March 3, 2023 for the parties to file joint proposed findings of fact and conclusions of law. Therefore, this pleading is timely filed.

## **II.**

### **MOTION TO ADMIT EVIDENCE**

The Parties move to admit the following evidence into the record of this proceeding:

- A. The petition for approval of a service area contract and to amend certificates of convenience and necessity, filed on October 13, 2022 (AIS Item No. 1);
- B. Petitioners' Supplement to the Petition, filed on November 11, 2022 (AIS Item No. 4);
- C. Commission Staff's Recommendation on Administrative Completeness and Notice and Proposed Procedural Schedule, filed on December 2, 2022 (AIS Item No. 7);
- D. South Central's consent forms for maps and certificates, filed on January 4, 2023 (AIS Item No. 9);
- E. Undine's consent forms for maps and certificate, filed on February 16, 2023 (AIS Item No. 10);
- F. Commission Staff's final recommendation and proposed amended procedural schedule, filed on February 22, 2023 (AIS Item No. 11); and
- G. The attached final map, South Central's revised water and sewer certificates, and Undine's revised water and sewer certificates.

## **III.**

### **JOINT PROPOSED NOTICE OF APPROVAL**

Commission Staff and Petitioners have agreed to the attached Joint Proposed Notice of Approval, which would grant Petitioners' petition for approval of the service area contract and application to amend water and sewer certificates in Harris County. Additionally, the Parties have attached the final map and revised water and sewer certificates that were provided by Staff to

Petitioners on January 4, 2023, and subsequently approved by Petitioners via filed consent forms on January 4, 2023 and February 16, 2023.

**IV.**

**CONCLUSION**

The Parties respectfully request that the Commission grant the Motion to Admit Evidence and adopt the attached Proposed Notice of Approval.

Respectfully submitted,


**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Keith Rogas  
Division Director

Sneha Patel  
Managing Attorney

/s/ Bradley Reynolds  
Bradley Reynolds  
State Bar No. 24125839  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
Phone: (512) 936-7307  
Fax: (512) 936-7268  
[Brad.Reynolds@puc.texas.gov](mailto:Brad.Reynolds@puc.texas.gov)

**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](mailto:pgregg@gregglawpc.com)

**Attorneys for Undine Development, LLC**

**DOCKET NO. 54208**

**CERTIFICATE OF SERVICE**

I certify 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 2, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.



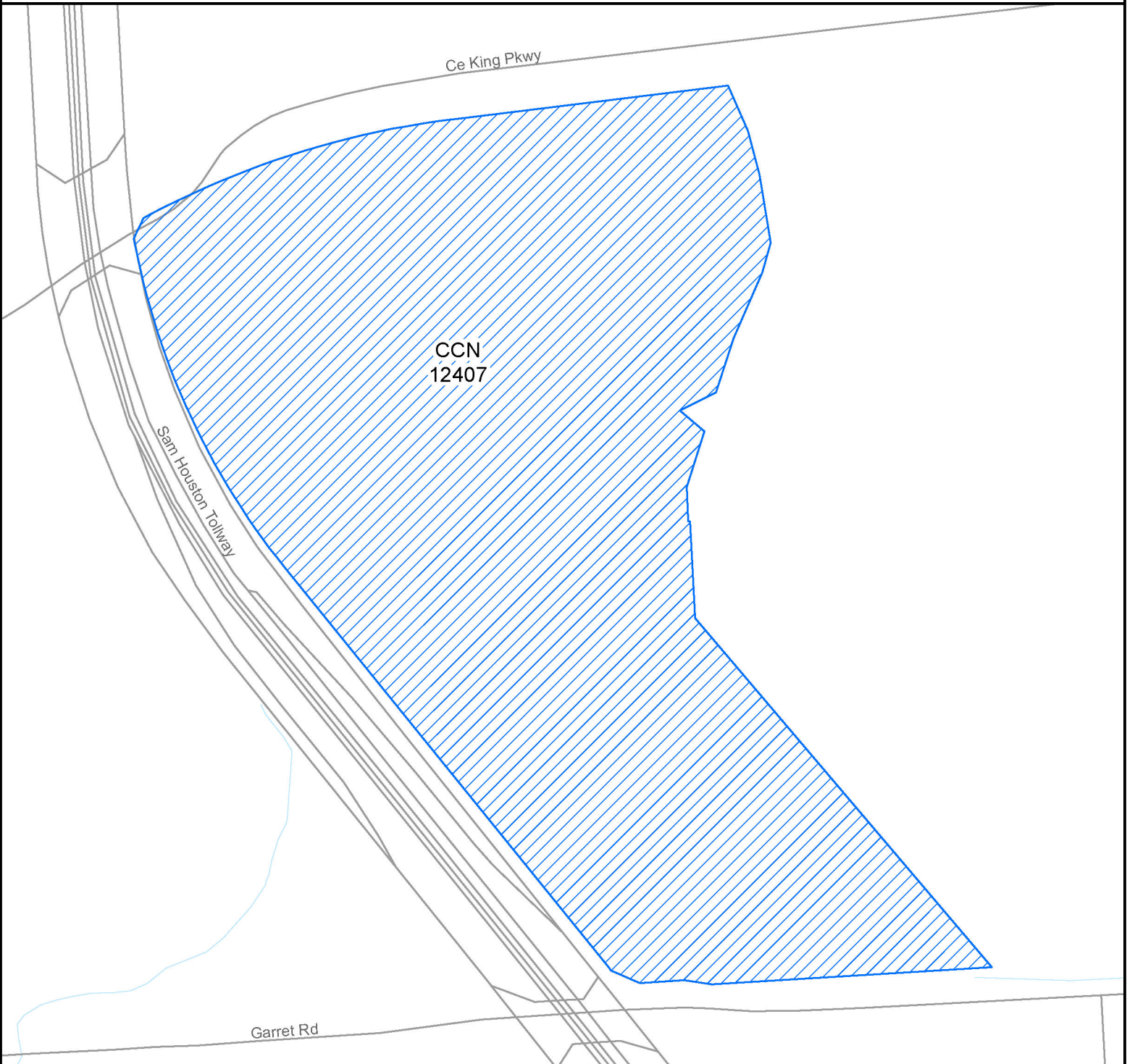
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Peter T. Gregg

/s/ Bradley Reynolds

Bradley Reynolds

Undine Development, LLC  
Portion of Water CCN No. 12407  
PUC Docket No. 54208  
13.248 Agreement Amended CCN No. 12407 and  
Decertified a Portion of South Central Water Company, CCN No. 13061 in Harris County



**Water CCN**

 12407 - Undine Development LLC

0 250 500  
Feet

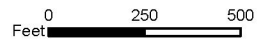


Undine Development, LLC  
Portion of Water CCN No. 20948  
PUC Docket No. 54208  
13.248 Agreement Amended CCN No. 20948 and  
Decertified a Portion of South Central Water Company, CCN No. 20964 in Harris County



**Sewer CCN**

 20948 - Undine Development LLC





# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **South Central Water Company**

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, South Central Water is entitled to this

### **Certificate of Convenience and Necessity No. 13061**

to provide continuous and adequate water utility service to that service area or those service areas in Harris, Liberty and Montgomery counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 54208 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the South Central Water to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.





# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **South Central Water Company**

having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, South Central Water is entitled to this

### **Certificate of Convenience and Necessity No. 20964**

to provide continuous and adequate sewer utility service to that service area or those service areas in Bexar, Comal, Harris, Liberty, Montgomery and Wilson counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 54208 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the South Central Water to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Undine Development, LLC**

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Undine Development, LLC is entitled to this

### **Certificate of Convenience and Necessity No. 12407**

to provide continuous and adequate water utility service to that service area or those service areas in Harris and Travis counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 54208 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Undine Development, LLC to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Undine Development, LLC**

having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Undine Development, LLC is entitled to this

### **Certificate of Convenience and Necessity No. 20948**

to provide continuous and adequate sewer utility service to that service area or those service areas in Harris and Travis counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 54208 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Undine Development, LLC to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

**DOCKET NO. 54208**

<b>PETITION OF UNDINE</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DEVELOPMENT, LLC AND SOUTH</b>	<b>§</b>	
<b>CENTRAL WATER COMPANY FOR</b>	<b>§</b>	<b>OF TEXAS</b>
<b>APPROVAL OF A SERVICE AREA</b>	<b>§</b>	
<b>CONTRACT UNDER TEXAS WATER</b>	<b>§</b>	
<b>CODE § 13.248 AND TO AMEND</b>	<b>§</b>	
<b>CERTIFICATES OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN HARRIS COUNTY</b>	<b>§</b>	

**JOINT PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the petition of Undine Development, LLC (Undine) and South Central Water Company (South Central) (collectively, the Petitioners) for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend Certificates of Convenience and Necessity (CCN) in Harris County. The Commission approves the service area contract and amends South Central’s water CCN No. 13061 and sewer CCN No. 20964, and Undine’s water CCN No. 12407 and sewer CCN No. 20948.

**I. Findings of Fact**

The Commission makes the following findings of fact.

1. **Petitioners** South Central is a for-profit organization registered with the Texas secretary of state under file number 0161296200.
2. South Central operates, maintains, and controls facilities for providing water service under CCN No. 13061 in Harris County.
3. South Central operates, maintains, and controls facilities for providing sewer service under CCN No. 20964 in Harris County.
4. Undine is a for-profit corporation registered with the Texas secretary of state under file number 801768069.
5. Undine operates, maintains, and controls facilities for providing water service under CCN No. 12407 in Harris County.
6. Undine operates, maintains, and controls facilities for providing sewer service under CCN No. 20948 in Harris County.

### **Petition**

7. On October 13, 2022, Petitioners filed a petition for approval of a service area contract and to amend Certificates of Convenience and Necessity in Harris County. The relief requested affects a portion of South Central's water CCN No. 13061 and sewer CCN No. 20964, transferring approximately 117 acres to Undine water CCN No. 12407 and sewer CCN No. 20948.
8. The amendment affects 117 acres and 0 current customers in Harris County, Texas.
9. In Order No. 3 issued on December 14, 2022, the administrative law judge (ALJ) found the Petitioners administratively complete.

### **Notice**

10. On December 2, 2022, Staff filed its Recommendation on Administrative Completeness and Notice, stating that individual notice is not required under 16 TAC § 24.253(c).
11. In Order No. 3, issued on December 14, 2022, the ALJ found the notice of the petition sufficient.

### **Maps and Certificates**

12. On January 4, 2023, Commission Staff transmitted via email its proposed final maps and certificates to Petitioners.
13. On January 4, 2023, South Central filed its consent to the proposed maps and certificates provided by Staff.
14. On February 16, 2022, Undine filed its consent to the proposed maps and certificates provided by Staff.

### **Evidentiary Record**

15. On March 3, 2023, the parties filed a joint motion to admit evidence.
16. In Order No. \_\_, issued on \_\_\_\_\_, 2023 the ALJ admitted the following evidence into the record: (a) the petition for approval of a service area contract and to amend certificates of convenience and necessity, filed on October 13, 2022; (b) Petitioners' supplement to the petition, filed on November 11, 2022; (c) Commission Staff's recommendation on administrative completeness and notice and proposed procedural schedule, filed on December 2, 2022; (d) South Central's consent forms for maps and certificates, filed on January 4, 2023; (e) Undine's consent forms for maps and certificates, filed on February 16, 2023; (f) Commission Staff's final recommendation and

proposed amended procedural schedule, filed on February 22, 2023; and (g) the attached final map, South Central's revised water and sewer certificates, and Undine's revised water and sewer certificates.

**Informal Disposition**

17. More than 15 days have passed since the completion of notice provided in this docket.
18. No person filed a protest or motion to intervene.
19. Undine, South Central, and Commission Staff are the only parties to this proceeding.
20. No party requested a hearing and no hearing is needed.
21. Commission Staff recommended approval of the petition.
22. The decision is not adverse to any party.

**II. Conclusions of Law**

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction over this proceeding under Texas Water Code (TWC) §§ 13.041, and 13.248..
2. South Central is a retail public utility as defined by TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
3. Undine is a retail public utility as defined by TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(59).
4. The petition meets the requirements of TWC § 13.248 and 16 Texas Administrative Code (TAC) § 24.253.
5. Public notice of the petition was not required by TWC § 13.301(a) and 16 TAC § 24.239(a) through (c).
6. The Commission processed the petition as required by the TWC, the Administrative Procedure Act,<sup>1</sup> and Commission Rules.
7. Under TWC § 13.257(r) and (s), Undine and South Central are required to record a certified copy of the approved map for the certificate amendments, along with a boundary description of their respective service areas, in the real property records of Harris County within 31 days of receiving this Notice of Approval and to submit evidence of the recording to the Commission. The requirements for informal disposition under 16 TAC §22.35 have been met in this proceeding.

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<sup>1</sup> Tex. Gov't Code ch. 2001.

### **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission approves the service area contract between South Central and Undine.
2. The Commission approves the amendment of South Central's water CCN number 13061 and sewer CCN number 20964, to the extent provided in this Notice of Approval.
3. The Commission approves the amendment of Undine's water CCN number 12407 and sewer CCN number 20948, to the extent provided in this Notice of Approval.
4. The Commission approves the maps and certificates attached to the Joint Motion to Admit Evidence and Proposed Notice of Approval filed on \_\_\_\_\_, 2023.
5. Undine must serve every customer and applicant for service within the approved area under water CCN number 12407 that requests water service and meets the terms of Undine's water service, and such service must be continuous and adequate.
6. Undine must serve every customer and applicant for service within the approved area under sewer CCN number 20948 that requests sewer service and meets the terms of Undine's sewer service, and such service must be continuous and adequate.
7. Undine must comply with the recording requirements in TWC §13.257(r) and (s) for the area in Fort Bend County affected by the petition and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice of Approval.
8. Undine and South Central must each comply with the recording requirements in TWC § 13.257(r) and (s) for the area in Harris County affected by the petition and submit to the Commission evidence of the recording no later than 45 days after receipt of this Notice of Approval.
9. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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ADMINISTRATIVE LAW JUDGE