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DOCKET NO. 54208

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

**COMMISSION STAFF’S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND NOTICE**

On October 13, 2022, Undine Development, LLC (Undine) and South Central Water Company (SCWC) (collectively, Applicants) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend certificates of convenience and necessity in Harris County.

On November 14, 2022, the administrative law judge filed Order No. 2, establishing a deadline of December 2, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on administrative completeness, comments on notice, and propose a procedural schedule. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

After review, and as detailed in the attached memorandum of Chase Lipscomb, Infrastructure Division, Staff recommends that the application satisfies the requirements of TWC § 13.248 and 16 TAC § 24.253. Therefore, Staff recommends that the application be deemed administratively complete.

II. NOTICE

Notice in this matter is governed by 16 TAC § 24.253(c). Under this section, two forms of notice may potentially be required. First, if the decision to enter into a contract was discussed at a meeting of a city council, a water supply or sewer service corporation's board, district board, county commissioner's court, or other regulatory authority, a copy of the meeting agenda and minutes for the meeting during which the item was discussed may be considered sufficient notice

under 16 TAC § 24.253(c)(2). The Applicants are both investor-owned utilities; therefore, 16 TAC § 24.253(c)(2) is not applicable to either Applicant. Additionally, if affected customers will be transferred as part of the contract, then notice must be provided to those customers under 16 TAC § 24.253(c)(1). As stated in the petition, no customers will be affected by this transaction. Therefore, Staff recommends that individual notice under 16 TAC § 24.253(c)(1) is not required.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for the continued processing of this application:

Event	Date
Deadline for intervention	November 28, 2022 ¹
Deadline for Commission Staff to provide final maps, certificates, and tariffs (if applicable) to Petitioners	January 4, 2023
Deadline for Petitioners to file signed consent forms with the Commission	January 18, 2023
If no hearing is requested, deadline for Staff to file a final recommendation on the application	February 1, 2023
If no hearing is requested, deadline for the parties to file joint proposed findings of fact and conclusions of law	February 22, 2023

IV. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the foregoing recommendation.

¹ Motions to intervene must be filed within 45 days of the date the application is filed with the Commission. See 16 TAC §§ 22.104 (b) and 26.406(d).

Dated: December 2, 2022

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 Ave.
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7307
(512) 936-7268 (Fax)
Brad.Reynolds@puc.texas.gov

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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 on December 2, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Bradley Reynolds
Bradley Reynolds

Public Utility Commission of Texas

Memorandum

TO: Bradley Reynolds, Attorney
Legal Division

FROM: Chase Lipscomb, Infrastructure Analyst
Infrastructure Division

DATE: December 2, 2022

RE: Docket No. 54208 – *Petition of Undine Development, LLC and South-Central Water Company for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Harris County*

On October 13, 2022, Undine Development, LLC (Undine) and South Central Water Company (South Central) (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend Undine’s water and sewer Certificate of Convenience and Necessity (CCN) Nos. 12407 and 20948 and South Central’s water and sewer CCN Nos. 13061 and 20964 in Harris County, Texas. The Petitioners’ TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

Specifically, Undine and South Central entered into a contractual agreement which permits Undine to provide water and sewer services within the agreed upon water and sewer certificated service area. The Petitioners will not transfer assets or facilities under the terms of the agreement.

Based on the mapping review by Hank Journeay, Infrastructure Division, the maps and digital mapping data submitted with Item 4 on November 11, 2022 are sufficient.

The requested area includes 0 customer connections and approximately 117 acres of transferred area from South Central (CCN Nos. 13061 and 20964).

The petition proposes the subtraction of approximately 117 acres from CCN Nos. 13061 and 20964 and the addition of approximately 117 acres to CCN Nos. 12407 and 20948

Based on my technical review of the information filed by the Petitioners on October 13, 2022, I recommend that the petition be deemed administratively complete.