



## **Filing Receipt**

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**Item Number - 16**

**DOCKET NO. 55378**

<b>APPLICATION OF GUADALUPE-</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>BLANCO RIVER AUTHORITY AND</b>	<b>§</b>	
<b>UNDINE TEXAS, LLC FOR SALE,</b>	<b>§</b>	<b>OF TEXAS</b>
<b>TRANSFER, OR MERGER OF</b>	<b>§</b>	
<b>FACILITIES AND CERTIFICATE</b>	<b>§</b>	
<b>RIGHTS IN CALHOUN COUNTY</b>	<b>§</b>	

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS AND NOTICE AND PROPOSED  
PROCEDURAL SCHEDULE**

On August 16, 2023, Guadalupe-Blanco River Authority (GBRA) and Undine Texas, LLC (Undine Texas) (collectively, Applicants) filed an application for the sale, transfer, or merger of facilities and certificate rights in Calhoun County under the provisions of Texas Water Code § 13.301 and 16 Texas Administrative Code § 24.239.

On September 19, 2023, the administrative law judge (ALJ) filed Order No. 2, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the administrative completeness of the application and proposed notice, and both applicants and Commission Staff must file a recommendation regarding how to proceed with the application and propose a procedural schedule by October 18, 2023. Therefore, this pleading is timely filed.

**I. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the supplemented application and as detailed in the attached memorandum from James Harville, Infrastructure Division, and Ethan Blanchard, Rate Regulation Division, recommends that the supplemented application is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the application.

**II. NOTICE**

At this time, Staff recommends that the Applicants proceed with providing public notice to all current customers, neighboring utilities, political subdivisions, and other persons listed in the attached memorandum using the notice form provided by Mr. Harville. Along with each individual notice, Staff recommends that the Applicants provide an accurate map delineating the requested service area.

Once notice has been provided, Staff recommends that the Applicants file proof of notice as described in the attached memorandum, including an affidavit specifying the name and address of every person and entity to whom notice was provided, the date that the notice was provided, and a copy of the map provided with the notice. Finally, Staff recommends that the Applicants use the attached notice and affidavit to meet these requirements.

### **III. PROCEDURAL SCHEDULE**

Staff recommends that the supplemented application be found administratively complete. Therefore, Staff proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Deadline for the Applicants to file with the Commission signed affidavits that the notice was given along with a copy of the notice and map sent to the affected parties	November 17, 2023
Deadline for Staff to file a recommendation on sufficiency of notice	December 1, 2023
Deadline to intervene	30 days after notice is issued

### **IV. CONCLUSION**

For the reasons detailed above, Staff recommends that the application be found administratively complete, that the Applicants be directed to provide notice as described in the attached memorandum, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Date: October 18, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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/s/ Bradley Reynolds  
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**DOCKET NO. 55378**

**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 October 18, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Bradley Reynolds  
Bradley Reynolds

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Bradley Reynolds, Attorney  
Legal Division

**FROM:** James Harville, Infrastructure Analyst  
Infrastructure Division

**DATE:** October 18, 2023

**RE:** Docket No. 55378 – *Application of Guadalupe-Blanco River Authority and Undine Texas Environmental, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Calhoun County*

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On August 16, 2023, Undine Texas Environmental, LLC (Undine Texas Environmental) and the Guadalupe-Blanco River Authority (GBRA) (collectively Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Calhoun 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 Texas Environmental, Certificate of Convenience and Necessity (CCN) No. 20816, seeks approval to acquire only facilities and customers from GBRA and to amend uncertificated area to Undine Texas Environmental's CCN No. 20816.

Based on the mapping review by Dave Babicki, Infrastructure Division, the maps and digital mapping data submitted with Item 1 on August 16, 2023 are sufficient.

- The requested area includes 68 customer connections and approximately 60 acres, comprised of uncertificated area to amend (add) to Undine Texas Environmental, LLC (CCN No. 20816).
- The application proposes the addition of approximately 60 acres to CCN No. 20816.

Based on the mapping review and my technical and managerial review of the information filed, I recommend that the application be deemed administratively complete. I further recommend that the Applicants be ordered to do the following:

- 1) Provide notice of the application by first-class mail to the following:

- a. Cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area:
  - *Calhoun County Drainage District 11*
  - *City of Port Lavaca*
- b. The county judge of each county that is wholly or partially included in the requested area:
  - *Calhoun County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
  - *Calhoun County Groundwater Conservation District*
- d. Each owner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.
- e. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. District information and addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <https://www14.tceq.texas.gov/iwud/index.cfm>.

- 2) Publish notice once each week for two consecutive weeks in a newspaper having general circulation in the county where the requested area is located. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation. Within 30 days of the date the notice was mailed, Undine Texas Environmental must file an affidavit specifying the notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.
- 3) Provide notice using the attached notice forms.
- 4) Provide a copy of the maps deemed sufficient during administrative review delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners, and customers.
- 5) File in the docket:
  - a. A copy of the notices (1 example of each type of notice).
  - b. The general location and detailed maps deemed sufficient during administrative review.
  - c. The signed affidavits for the published notice and mailed notices.
  - d. A list specifying every person and entity to whom notice was provided.
  - e. If there are multiple landowners provide a list of the applicable county appraisal district parcels located within the requested area. The list should include the

following for a landowner of a tract of land that is at least 25 acres or more and is wholly or partially within the requested area;

- i. Each property ID;
  - ii. Landowner Name;
  - iii. Address; and
  - iv. The acreage owned by each listed landowner.
- f. The publisher's affidavit and tear sheets for proof of newspaper publication.

- 5) Supplement the application with a copy of the approval letter for the wastewater transfer form for the facility that will provide sewer service for the requested area from TCEQ once it is received. Undine Texas Environmental must file the approval letter prior to Staff making a final recommendation on the application.

Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed, Staff may send requests for information (RFI) to Undine Texas Environmental and GBRA. Undine Texas Environmental and GBRA will have 20 days from the receipt of the RFI to respond.

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Bradley Reynolds  
Legal Division

**FROM:** Ethan Blanchard  
Rate Regulation Division

**DATE:** September 11, 2023

**RE:** Docket No. 55378 – *Application of Guadalupe-Blanco River Authority and Undine Texas Environmental, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Calhoun County*

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On August 16, 2023, Undine Texas Environmental, LLC (Undine), CCN No. 20816, and Guadalupe-Blanco River Authority filed an application for the sale and transfer of facilities and customers in Calhoun County under the provisions of Texas Water Code § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

I reviewed the answers provided to questions 28, 29, 30, and 31 of the application. I did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, I recommend that the Commission deem the application administratively complete from a financial perspective.



The following files are not convertible:

55378 - Notice Documents.dotx

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Contact [centralrecords@puc.texas.gov](mailto:centralrecords@puc.texas.gov) if you have any questions.