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APPLICATION OF UNDINE, LLC FOR AUTHORITY TO CHANGE RATES	§ § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**UNDINE, LLC’S RESPONSE TO HOWARD LUDWIG’S
MOTION TO EXTEND DEADLINE FOR STATEMENT OF POSITION**

Undine, LLC (Undine) timely files this Response to Howard Ludwig’s Motion to Extend Deadline for Statement of Position and, in support thereof, respectfully shows the following:

I. BACKGROUND

Pursuant to SOAH Order No. 2, the deadline for Intervenor Direct Testimony or Statement of Position was May 16, 2025.¹ Under 16 Tex. Admin. Code (TAC) § 22.71(h), all documents shall be filed by 3:00 p.m. on the date due unless otherwise ordered by the presiding officer. No conflicting deadline has been set in this proceeding. Therefore, EMCAD’s Statement of Position² filed after 3:00 p.m. on May 16, 2025, is untimely. Undine filed an objection to the late-filed Statement of Position on May 21, 2025.³

II. RESPONSE

Undine re-urges the points raised in its Motion to Object to EMCAD’s Late-Filed Statement of Position filed on May 21, 2025.⁴ The EMCAD Statement of Position filed on May 16, 2025, at 5:05 p.m. was untimely under 16 TAC § 22.71(h). Per SOAH Order No. 1, the Public Utility Commission of Texas’ procedural rules “govern the conduct of this case, and the parties are expected to comply with those rules.”⁵ Accordingly, the late-filed Statement of Position should not be considered and EMCAD should be prohibited from supporting or opposing issues addressed in the late filing.

¹ SOAH Order No. 2 – Memorializing Prehearing Conference; Finding Notice Sufficient; Extending Intervention Deadline for Certain Customers; Adopting Procedural Schedule; Setting Hearing on the Merits at 5 (Apr. 4, 2025).

² Statement of Position EMCAD WWT Interveners (May 16, 2025).

³ Undine, LLC’s Motion to Object to EMCAD’s Late-Filed Statement of Position (May 21, 2025).

⁴ *Id.*

⁵ SOAH Order No. 1 – Notice of Prehearing Conference; Recognizing Intervention Deadline; General Procedural Requirements at 5 (Mar. 14, 2025).

Mr. Ludwig raises concerns about public intervention. Undine does not dispute EMCAD's party status and asserts that Mr. Ludwig's comments⁶ filed on May 12, 2025, should be treated as EMCAD's Statement of Position. Given that EMCAD can still participate in the proceeding and has asserted its position in a separate timely filing, EMCAD has not established good cause for an exception to 16 TAC § 22.71(h).

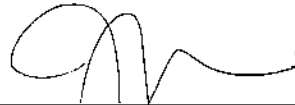
III. CONCLUSION

Undine respectfully requests denial of Mr. Ludwig's Motion and entry of an order treating only the Howard Ludwig filing made timely on May 12, 2025, as the Statement of Position for the EMCAD system. Undine requests any other relief to which it is entitled.

Respectfully submitted,

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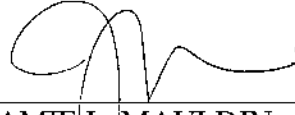
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⁶ Comments for consideration by the PUC (May 12, 2025).

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 May 28, 2025, in accordance with the Order Suspending Rules, issued in Project No. 50664.



JAMIE L. MAULDIN