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DOCKET NO. 52101

PETITION OF CCD-NORTHSKY, LLC § PUBLIC UTILITY COMMISSION
TO AMEND MARILEE SPECIAL §
UTILITY DISTRICT'S CERTIFICATE § OF TEXAS
OF CONVENIENCE AND NECESSITY §
IN COLLIN COUNTY BY EXPEDITED §
RELEASE §

COMMISSION STAFF'S REQUEST FOR EXTENSION

On May 10, 2021, CCD-North Sky, LLC (North Sky) filed a petition with the Public Utility Commission of Texas (Commission) requesting streamlined expedited release from Marilee Special Utility District's (Marilee SUD) water certificate of convenience and necessity (CCN) number 10150 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). North Sky asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Collin County, which is a qualifying county.

On June 22, 2022, the ALJ filed Order No. 12, establishing a deadline of July 9, 2022 for the Staff (Staff) of the Public Utility Commission of Texas to file its appraiser's report. July 9, 2022 was a Saturday, therefore Staff's appraiser's report is due July 11, 2022. Therefore, this pleading is timely filed.

I. REQUEST FOR EXTENSION

Pursuant to 16 TAC § 22.4(b), Staff may request that the time allowed for filing any documents be extended for good cause. Staff has had difficulty securing a third-party appraiser due to North Sky's unwillingness to follow the routine practice of signing an engagement letter with the third-party appraiser. The appraiser cannot begin work without 1) a signed engagement letter between the parties, or 2) payment prior to beginning work. In this docket, Marilee has made payment to the appraiser as requested, however North Sky has not. The attorney representing North Sky has communicated to Staff that she would forward the invoice from the third-party appraiser to her client for payment but would not sign an engagement letter. Staff was under the impression that work would commence once payment was received from both parties. Since payment has not been received from both parties, Staff is unable to obtain its appraiser's report by the designated deadline. The attorney for North Sky also represents several pending streamlined expedited release dockets, and unfortunately, this is a reoccurring issue in those dockets as well. Staff requested an

extension on June 22, 2022 for the same reasons described above. At this point, Staff is requesting an extension indefinitely because there is no reasonable extension or timeframe as to when Staff expects payment from North Sky to the third-party appraiser so he can begin his work.. If this proceeds, Staff will be requesting the Order approving the release be withdrawn.

II. CONCLUSION

Staff respectfully requests the entry of an order consistent with the foregoing request.

Dated: July 11, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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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 via electronic mail on July 11, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Mildred Anaele
Mildred Anaele