



Control Number: 52101



Item Number: 5

Addendum StartPage: 0

DOCKET NO. 52101

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

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND NOTICE**

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 May 19, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of June 9, 2021 for Commission Staff (Staff) to file comments regarding the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and, as detailed in the attached memorandum from Jolie Mathis, Infrastructure Division, recommends that the petition is administratively incomplete. Staff recommends that North Sky be ordered to cure the deficiencies identified in Ms. Mathis' memorandum by July 7, 2021 and that Staff be given a deadline of August 4, 2021 to file a supplemental recommendation on the administrative completeness of the petition.

II. PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of the docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation that the petition be found administratively complete.

III. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively incomplete and that North Sky be ordered to file supplemental information to cure the deficiencies in the petition by July 7, 2021. Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

Dated: June 9, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

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Managing Attorney

/s/Courtney Dean

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DOCKET NO. 52101

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 June 9, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/Courtney Dean

Courtney N. Dean

Public Utility Commission of Texas

Memorandum

TO: Courtney Dean, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: June 9, 2021

RE: Docket No. 52101 – *Petition of CCD-North Sky, LLC to Amend Marilee Special Utility District's Certificate of Convenience and Necessity in Collin County by Expedited Release*

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

North Sky submitted a sworn affidavit attesting that the property was not receiving water service from Marilee SUD and a warranty deed confirming North Sky's ownership of the tract of land.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Marilee SUD on the date the petition was filed with the Commission.

Based on the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review of the information provided by North Sky, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

Mapping Content:

North Sky must submit the following item to resolve the mapping deficiencies:

Based on the mapping review by Tracy Montes, Infrastructure Division, North Sky's digital mapping data, general location and detailed maps submitted with the petition on **5/10/2021** are deficient. The warranty deed identifies two tracts of land that appear to include 220.039 total acres. The petition and metes and bounds description indicate one tract of land with 219.976 acres. The digital mapping data includes two tracts of land that do not mirror the acreage

indicated in either the warranty deed or the metes and bounds description. The detailed and general location maps do not identify two tracts of land as provided in the digital mapping data. The digital mapping data includes two tracts of land that are not contiguous. The property must be identified the same in the digital mapping data, on the general location and detailed maps.

North Sky must submit the following items to resolve the mapping deficiencies:

- A revised general location map identifying only the tract(s) of land, in reference to the nearest county boundary, city, or town.
- A revised detailed map identifying only the tract(s) of land, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Revised digital mapping data for the tract(s) of land, as a single polygon record, in a shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet).
- North Sky must clarify the acreage differences for the tract(s) of land as provided in the warranty deed, metes and bounds description and the digital mapping data.

Staff recommends that North Sky obtain additional mapping guidance from the PUC's mapping staff, Ms. Tracy Montes, by email at tracy.montes@puc.texas.gov to resolve the mapping deficiencies.