



## Filing Receipt

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**DOCKET NO. 52434**

<b>PETITION OF CELINA PARTNERS, LTD. TO AMEND MARILEE SPECIAL UTILITY DISTRICT'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN COLLIN COUNTY BY EXPEDITED RELEASE</b>	<b>§ § § § § §</b>	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS AND NOTICE**

On August 16, 2021, Celina Partners, Ltd. (Celina Partners) filed a petition for 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). Celina Partners 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. Celina Partners filed supplemental information on September 28, 2021, September 29, 2021, and September 30, 2021.

On October 18, 2021, the administrative law judge (ALJ) filed Order No. 6, establishing a deadline of November 8, 2021 for the Staff of the Public Utility Commission of Texas (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 supplemental information and, as detailed in the attached memorandum from Pai Liu of the Commission's Infrastructure Division, recommends that the petition is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

**II. NOTICE SUFFICIENCY**

Under 16 TAC § 24.245(h)(3)(f), a landowner seeking streamlined expedited release must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition to the Commission. Celina Partners stated in its filing that it mailed a copy of its petition to the CCN holder, Marilee SUD, by certified mail

on the day the petition was filed with the Commission. Celina Partners also included an affidavit attesting to this provision of notice to Marilee SUD. Accordingly, Staff recommends that the notice is sufficient.

### III. PROCEDURAL SCHEDULE

Under 16 TAC § 24.245(h)(7), there is an expedited deadline of 60 days for approval of the requested release that begins once the ALJ issues an order finding a petition administratively complete. Staff recommends that the petition be found administratively complete. Therefore, Staff proposes the following procedural schedule and requests that the ALJ populate the deadlines accordingly when the ALJ issues that order.

Event	Date
Deadline for Marilee SUD and intervenors to file a response to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for Staff’s recommendation on final disposition	34 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a reply to both Marilee SUD’s response and Staff’s recommendation on final disposition	41 days from the date of the order finding the petition administratively complete
Sixty-day administrative approval of streamlined expedited release	60 days from the date of the order finding the petition administratively complete
<b><i>In the event streamlined expedited release is granted and petitioner and Marilee SUD can select an agreed-upon appraiser</i></b>	
Deadline for petitioner and Marilee SUD to make a filing stating that they have selected an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for appraiser’s report	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission’s final order determining the amount of monetary compensation, if any, owed by petitioner to Marilee SUD	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to Marilee SUD	Within 90 days of the Commission’s final order on compensation
<b><i>In the event streamlined expedited release is granted and petitioner and Marilee SUD are unable to select an agreed-upon appraiser</i></b>	

Deadline for petitioner and Marilee SUD to make a filing stating that they have been unable to select an agreed-upon appraiser and affirming that they will pay half of the cost of Commission Staff's appraiser <sup>1</sup>	Within 10 days after the Commission approves streamlined expedited release <sup>2</sup>
Deadline for reports from petitioner's appraiser and Marilee SUD's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to Marilee SUD	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to Marilee SUD	Within 90 days of the Commission's final order on compensation

#### IV. CONCLUSION

For the reasons detailed above, Staff recommends that the supplemented petition be found administratively complete, that the notice be found sufficient, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

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<sup>1</sup> TWC § 13.2541(i).

<sup>2</sup> It is critical for Staff to know as soon as possible after the Commission grants the petition whether Staff needs to secure the services of a third appraiser. If the petitioner and CCN holder are unable to agree, and fail to make this filing, Staff may need additional time to file its appraiser's report.

Dated: November 8, 2021

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 November 8, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Jenna Keller  
Jenna Keller

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Jenna Keller, Attorney  
Legal Division

**FROM:** Pai Liu, Infrastructure Analyst  
Infrastructure Division

**DATE:** November 8, 2021

**RE:** Docket No. 52434 – *Petition of Celina Partners, Ltd. to Amend Marilee Special Utility District’s Certificate of Convenience and Necessity in Collin County by Expedited Release*

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On August 16, 2021, Celina Partners, Ltd. (Celina Partners) filed a petition for streamlined expedited release from Marilee Special Utility District’s (Marilee SUD) water certificate of convenience and necessity (CCN) No. 10150 in Collin County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Celina Partners 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.

Celina Partners submitted a sworn affidavit attesting that the property was not receiving water service from Marilee SUD and deeds confirming Celina Partners’ ownership of the tract of land.

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

Celina Partners’ petition includes four deeds showing that Celina Partners owns four tracts of land totaling 297.355 acres (entire tract). Additional mapping documentation was filed by Celina Partners on September 28, 29, and 30, 2021. Based on the mapping review by Tracy Montes, the additional mapping documentation is sufficient. The additional mapping documentation included an affidavit signed by Celina Partners’ engineer, David Surdukan, indicating that he completed a revised boundary survey, attached to the petition as Exhibit E, of the entire tract on August 11, 2021, which resulted in 0.72 acres more than the acreage shown by the four deeds, for a total of 298.075 acres owned by Celina Partners instead of 297.355 acres. Celina Partners is only seeking to release a 295.854 portion of the entire tract from Marilee SUD’s CCN.

Ms. Montes has assessed the revised boundary survey attached to the petition as Exhibit E, and has determined that the entire tract is divided by County Road (CR) 131 into two smaller, non-contiguous tracts.<sup>1</sup> The tract north of CR 131 includes 127.813 acres, and the tract south of CR 131 includes 170.262 acres. Even though these two smaller tracts are non-contiguous to each other, they are both at least 25 acres, and therefore, can be released from Marilee SUD's CCN No. 10150.

In summary, based on the mapping review by Ms. Montes, it was determined the entire tract of land is 298.075 acres. The portion of the tract considered for release from Marilee SUD (CCN No. 10150) is 295.854 acres and is bisected by CR 131. The portions of the tract considered for release that are north and south of CR 131 are both more than 25 acres.

Based on the mapping review by Ms. Montes and my technical and managerial review of the petition and additional information provided by Celina Partners on September 28, 29, and 30, 2021, I recommend the petition be deemed administratively complete and accepted for filing.

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<sup>1</sup> See *Petition of Colorado River Project, LLC to Amend SWWC Utilities, Inc. dba Hornsby Bend Utility's Certificate of Convenience and Necessity in Travis County by Expedited Release*, Docket No. 51166, Order No. 4 Finding Application Administratively Incomplete and Providing Opportunity to Cure at 1-2 (Sep. 30, 2021) (citing *Petition of SLF IV-114 Assemblage, L.P. to Amend Aqua Texas, Inc.'s Certificate of Convenience and Necessity in Denton County by Expedited Release*, Docket No. 44667, Order at 5 - 6 ( Sep. 11, 2015 ).