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## *Public Utility Commission of Texas*

TO: Stephen Journey  
Commission Counsel

All Parties of Record

FROM: Isaac Ta *I. T.*  
Administrative Law Judge

RE: Docket No. 52435 – *Petition of Legacy Equestrian Center LLC to Amend Marilee Special Utility District's Certificate of Convenience and Necessity in Collin County by Expedited Release*

DATE: December 2, 2021

On November 8, 2021, a Proposed Order was filed in this docket. On November 22, 2021, Marilee Special Utility District filed exceptions and proposed corrections to the Proposed Order.

Marilee SUD's exceptions concerning the petitioner's burden of proof were asserted in its response to the petition and were evaluated and rejected by me at the time I wrote the Proposed Order. I believe, based on the Commission's prior determinations on cases involving facts similar to this proceeding, that the petitioner has demonstrated that the tract of land at issue in this proceeding is not receiving water service. Marilee SUD additionally reasserts that, because it is working diligently to close on a loan from the United States Department of Agriculture (USDA), it is entitled to protections provided under 7 U.S.C. § 1926(b). The question of whether Marilee SUD's efforts to close on a loan from the USDA entitle it to protections provided under 7 U.S.C. § 1926(b) is immaterial to the determination to be made in this case. Under Texas Water Code § 13.2541, the Commission "may not deny [a streamlined expedited release] petition based on the fact that the certificate holder is a borrower under a federal loan program." Finally, Marilee SUD proposes corrections and additions to the Proposed Order's findings of fact and conclusions of law. However, I believe the corrections and additions proposed by Marilee SUD are either superfluous or immaterial to the determination to be made in this case.

Based on the foregoing, I conclude that no changes to the Proposed Order are warranted in response to the exceptions and proposed corrections. The Proposed Order remains ready for the Commission's consideration.

/tha  
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