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Received - 2022-02-28 03:29:06 PM

Control Number - 52497

ItemNumber - 22

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Public Utility Commission of Texas

TO: All Parties of Record
FROM: Stephen Journey, Commission Counsel
DATE: February 28, 2022
RE: Docket No. 52497 – *Petition of HC Celina 414, LLC to Amend Marilee Special Utility District's Certificate of Convenience and Necessity in Collin County by Expedited Release*

The Office of Policy and Docket Management (OPDM) requests that additional information be filed in this proceeding.

In its streamlined expedited release proceedings, the Commission frequently releases tracts of land that do not include certain areas of a landowner's entire property. This practice allows the Commission to tailor tracts of land to be released as necessary to ensure they do not include areas to which a certificate holder is providing service. In developing its precedent on this matter, the Commission has firmly established that tracts of land to be released may not include active meters or structures served by meters at the time the petition is filed.¹ If a certificate holder asserts that either feature is within a petitioner's property, then the petitioner must provide documentation showing that neither feature is within the tract of land to be released.

The proposed order in this proceeding states in finding of fact 26:

26. The CCN holder operates and maintains an active water meter, meter no 521, that is located on the tract of land. Meter no. 521 is utilized by the CCN holder, however, to provide water service to an area just outside the tract of land, and it is not used to provide water service to the tract of land.

It is unclear, based on the documents currently filed, whether water meter number 521 is located on the approximately 406.7-acre tract of land to be released. Based on mapping

¹ *Petition of Sterling Deason O'Donnell and Darwin Deason, Co-Trustees of the Sterling Deason O'Donnell DD 2012 Trust Under Agreement of the DD 2014-B Grantor Retained Annuity Trust to Amend Marilee Special Utility District's Certificate of Convenience and Necessity in Collin County by Expedited Release*, Docket No. 50404, Order Remanding to Docket Management (Apr. 7, 2021); *Petition of Patricia Miller Deason to Amend Marilee Special Utility District's Certificate of Convenience and Necessity in Collin County by Expedited Release*, Docket No. 46866, Order (May 19, 2017).

information provided by Marilee SUD² and the proposed maps by Commission Staff,³ it is unclear whether water meter number 521 was excluded from the tract of land to be released. It is also unclear what structures are served by meter number 521.

Accordingly, OPDM requests additional documentation to clarify the location of meter number 521 and its location with respect to the tract of land to be released. Further, the location of all structures served by meter number 521 should be clearly identified with respect to the tract of land to be released. OPDM requests that responses be filed by Monday, March 14, 2022 by 3:00 PM.

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² Marilee Special Utility District's Verified Response to Petition at 32 (Dec. 23, 2021).

³ Commission Staff's Recommendation on Final Disposition at 6 (Jan. 6, 2022).