



## Filing Receipt

**Received - 2022-01-24 01:18:06 PM**

**Control Number - 52515**

**ItemNumber - 22**

**DOCKET NO. 52515**

<b>PETITION OF BELKNAP, FP, LTD. TO</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>AMEND MARILEE SPECIAL UTILITY</b>	<b>§</b>	
<b>DISTRICT'S CERTIFICATE OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>COLLIN COUNTY BY EXPEDITED</b>	<b>§</b>	
<b>RELEASE</b>	<b>§</b>	

**ORDER NO. 7  
REQUIRING AFFIDAVIT**

On September 3, 2021, Belknap, FP, Ltd. filed a petition for streamlined expedited release of a tract of land in Collin County from Marilee Special Utility District's service area under certificate of convenience and necessity number 10150. On September 8, 2021, Belknap supplemented the petition with a signed, notarized affidavit, dated September 7, 2021, of Ralph Belknap, attesting to facts supporting the petition.

On November 3, 2021, Belknap filed an amended petition. On December 3, 2021, Commission Staff filed its recommendation on administrative completeness and notice and proposed procedural schedule recommending that the amended petition be found administratively complete. In Order No. 5 filed on December 7, 2021, the administrative law judge (ALJ) found the amended petition administratively complete.

After further review, the ALJ believes the amended petition should have been found administratively incomplete. Under 16 Texas Administrative Code § 24.245(h)(3), a landowner's petition seeking streamlined expedited release must be verified by a notarized affidavit. However, the affidavit attached as exhibit A to the amended petition is unsigned, not notarized, and accompanied by the statement, "will supplement with signed, notarized copy."<sup>1</sup> While Commission Staff appears to have construed the amended application as providing supplemental mapping information only,<sup>2</sup> the facts outlined in the unsigned, unnotarized affidavit vary from the facts attested to in Mr. Belknap's September 7, 2021 affidavit, which lead the ALJ to conclude that the amended petition was intended to replace the petition as originally filed.

---

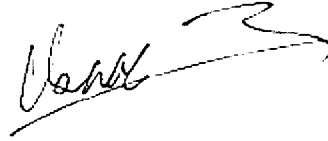
<sup>1</sup> First Amended Petition at 4 (AIS Item No. 14).

<sup>2</sup> See December 3, 2021 Memorandum of Pai Liu attached to Commission Staff's Supplemental Recommendation on Sufficiency of the Petition and Notice and Proposed Procedural Schedule (AIS Item No. 15) ("[T]he maps submitted with Item 14 on November 3, 2021 are sufficient for determining the tract of land[.]")

However, in the interest of efficiency, the ALJ withholds withdrawing Order No. 5 and the finding of administrative completeness therein at this time. By January 27, 2022, Belknap must file a signed, notarized affidavit supporting its amended petition.

**Signed at Austin, Texas the 24th day of January 2022.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

A handwritten signature in black ink, appearing to read 'Isaac TA', written over a horizontal line.

---

**ISAAC TA  
ADMINISTRATIVE LAW JUDGE**