



## Filing Receipt

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**DOCKET NO. 52515**

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

**COMMISSION STAFF’S RESPONSE TO MARILEE SPECIAL UTILITY DISTRICT’S  
MOTION TO DISMISS THE FIRST AMENDED PETITION**

On September 3, 2021, Belknap, FP, LTD. (Belknap) 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). Belknap asserted 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.<sup>1</sup> According to the U.S. Census Bureau, Collin County has a population of 782,341.<sup>2</sup> Additionally, Collin County is adjacent to Dallas County, which has a population of 2,368,139.<sup>3</sup> On November 3, 2021, Belknap filed a first amended petition. On December 3, 2021, the administrative law judge (ALJ) filed Order No. 5, finding the petition administratively complete, and notice sufficient. On January 27, 2022, Belknap filed a motion for extension of time. On the same day, Marilee SUD filed an opposition to petitioner’s motion to extend time, and motion to dismiss the first amended petition.

On January 28, 2022, the ALJ filed Order No. 8, denying Belknap’s motion for extension of time, withdrawing Order No. 5, and establishing a filing deadline of February 16, 2022, for any responses to Marilee SUD’s motion to dismiss. Therefore, this pleading is timely filed.

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<sup>1</sup> TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).

<sup>2</sup> U.S. Census Bureau, Census Data for Collin County, QuickFacts Collin County, Texas (2010) <https://www.census.gov/quickfacts/fact/table/collincountytexas/POP010220>

<sup>3</sup> U.S. Census Bureau, Census Data for Dallas County, QuickFacts Dallas County, Texas (2010) <https://www.census.gov/quickfacts/fact/table/dallascountytexas/POP010220>

## **I. RESPONSE TO MARILEE SUD'S MOTION TO DISMISS**

In Belknap's motion for extension of time, Belknap states that the property to be granted streamlined expedited release in this docket has been sold.<sup>4</sup> As Belknap no longer owns the land in this petition, Staff argues that Belknap's petition does not qualify for streamlined expedited release under TWC § 13.2541(b) and 16 TAC § 24.245(h)(2), as the property in question is no longer owned by Belknap. Furthermore, Staff is unopposed to the dismissal of the Belknap's petition.

## **II. CONCLUSION**

For the reasons detailed above, Staff respectfully requests that an order be issued consistent with this response.

Dated: February 16, 2022

Respectfully submitted,

### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

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<sup>4</sup> Petitioner's Motion for Extension of Time at 1 (Jan. 27, 2022).

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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 February 16, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Andy Aus  
Andy Aus