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PETITION OF AJ MALONE 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 REQUEST FOR EXTENSION

On September 3, 2021, A. J. Malone (Malone) 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). Malone 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. On September 16, 2021 Marilee Special Utility District filed a motion to intervene and filed supplementary information on October 6, 2021. On October 11, 2021 an amended petition was filed to reflect new ownership of the property. The new owner, VPTM Cross Creek LB, LLC, (VPTM) 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.

On December 6, 2021, the administrative law judge (ALJ) filed Order No. 5, establishing a deadline of January 10, 2022 for the Staff of the Public Utility Commission of Texas (Staff) to file a recommendation on final disposition. Therefore, this pleading is timely filed.

I. REQUEST FOR EXTENSION

Under 16 TAC § 22.4(b), Staff may request that the time allowed for filing any documents be extended for good cause. In order to allow for further analysis of the application, Staff respectfully requests an extension of time until January 13, 2022. Staff has conferred with VPTM and they are unopposed to this motion. As such, Staff requests that the deadline to file a recommendation on final disposition be extended to January 13, 2022.

II. PROPOSED 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. Therefore, Staff proposes the following procedural schedule.

Event	Date
Deadline for Staff's recommendation on final disposition	January 13, 2022
Deadline for petitioner to file a reply to both Marilee SUD's response and Staff's recommendation on final disposition	January 18, 2022
Sixty-day administrative approval of streamlined expedited release	February 4, 2022
<i>In the event streamlined expedited release is granted and petitioner and Marilee SUD can select an agreed-upon appraiser</i>	
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
<i>In the event streamlined expedited release is granted and petitioner and Marilee SUD are unable to select an agreed-upon appraiser</i>	
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 ¹	Within 10 days after the Commission approves streamlined expedited release ²
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

¹ TWC § 13.2541(i).

² 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.

III. CONCLUSION

Staff respectfully requests the entry of an order consistent with these recommendations and that the proposed procedural schedule be adopted.

Dated: January 10, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

/s/ Kourtnee Jinks

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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 January 10, 2022, in accordance with the Order Suspending Rules issued in Project No. 50664.

/s/ Kourtnee Jinks

Kourtnee Jinks