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Received - 2021-10-04 02:33:46 PM

Control Number - 52517

ItemNumber - 5

DOCKET NO. 52517

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 RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND NOTICE**

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.

On September 8, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of October 4, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file comments regarding the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and as detailed in the attached memorandum from Jolie Mathis, Infrastructure Division, recommends that the petition is administratively incomplete. Staff further recommends that Malone be ordered to cure the deficiencies identified in Ms. Mathis' memorandum by November 4, 2021 and that Staff be given a deadline of December 3, 2021 to file a supplemental recommendation on the administrative completeness of the petition.

II. RECOMMENDATION ON NOTICE

Commission Staff recommends that Malone's notice is sufficient and meets the requirements of 16 TAC § 24.245(h)(3)(F).

III. PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of the docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation that the petition be found administratively complete.

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively incomplete and that Malone be ordered to file supplemental information to cure the deficiencies in the petition by November 4, 2021. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: October 4, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

Rashmin J. Asher
Managing Attorney

/s/ Kourtnee Jinks

Kourtnee Jinks
State Bar No. 24097146
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7265
(512) 936-7268 (facsimile)
kourtnee.jinks@puc.texas.gov

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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 October 4, 2021, in accordance with the Order Suspending Rules issued in Project No. 50664.

/s/ Kourtnee Jinks

Kourtnee Jinks

Public Utility Commission of Texas

Memorandum

TO: Kourtnee Jinks, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: September 30, 2021

RE: Docket No. 52517 – *Petition of AJ Malone to Amend Marilee Special Utility District's Water Certificate of Convenience and Necessity in Collin County by Expedited Release*

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) No. 10150 in Collin County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Malone 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.

Based on my technical and managerial review of the information provided by Malone, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

Petition Content:

The following deficiencies must be remedied:

- 1) A copy of notarized affidavit attesting that the property is not receiving water and sewer services from CCN holders under 16 TAC § 24.245 (h)(3)(D).
- 2) Proof that a copy of the petition was sent via certified mail to CCN holders under 16 TAC § 24.245 (h)(3)(F).