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DOCKET NO. 52529

PETITION OF EAST TIOGA 581 LP TO	§	PUBLIC UTILITY COMMISSION
AMEND MARILEE SPECIAL UTILITY	§	
DISTRICT'S CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
GRAYSON COUNTY BY EXPEDITED	§	
RELEASE	§	

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND NOTICE**

On September 7, 2021, East Tioga 581 LP (East Tioga) filed a petition for streamlined expedited release within Marilee Special Utility District's (Marilee SUD) water certificate of convenience and necessity (CCN) number 10150 in Grayson County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). East Tioga asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Grayson County, which is a qualifying county.

On September 8, 2021, the administrative law judge (ALJ) filed Order No. 1, requiring Staff of the Public Utility Commission of Texas (Staff) to file comments on the administrative completeness of the petition and notice by October 7, 2021. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed East Tioga's petition and, as detailed in the attached memorandum from Patricia Garcia, of the Infrastructure Division, recommends that the petition be found administratively incomplete. Specifically, Staff has noted deficiencies in the mapping content.

II. NOTICE

Under 16 TAC § 24.245(h)(3)(F), the landowner must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition with the Commission.

Petitioner states in its filing in the certificate of service that it mailed a copy of its petition to the CCN holder, Marilee Special Utility District, by certified mail on the day the petition was filed with the Commission. Accordingly, Staff recommends that the notice issued be found

sufficient.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for the continued processing of this docket:

Event	Date
Deadline for East Tioga to file information to cure deficiencies identified in Staff's memorandum	November 8, 2021
Deadline for Staff to file a supplemental recommendation on sufficiency of the petition and proposed procedural schedule	December 8, 2021

IV. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the foregoing recommendation.

Dated: October 7, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
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/s/ Arnett D. Caviel
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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 7, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Arnett D. Caviel
Arnett D. Caviel

Public Utility Commission of Texas

Memorandum

TO: Arnett Caviel, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: October 7, 2021

RE: Docket No. 52529 – *Petition of East Tioga 581 LP to Amend Marilee Special Utility District's Certificate of Convenience and Necessity in Grayson County by Expedited Release*

On September 7, 2021, East Tioga 581 LP (East Tioga) 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 Grayson County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). East Tioga asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Grayson County, which is a qualifying county.

Based on the mapping review by Gary Horton, Infrastructure Division, and my technical and managerial review of the information provided by East Tioga, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

Mapping Content:

Maps submitted on September 7, 2021 are deficient. East Tioga must submit the following items to resolve the mapping deficiencies:

- A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.
- A detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Digital mapping data for the requested area, as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet); **OR** metes and bounds survey sealed or embossed by either a licensed state surveyor or a registered professional land surveyor.

Staff will need at least 30 days to review the documentation, maps, and digital data provided by East Tioga and to draft a recommendation.