



## Filing Receipt

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**ItemNumber - 10**

**DOCKET NO. 52530**

<b>PETITION OF E REAL ESTATE, LLC</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>TO AMEND MARILEE SPECIAL</b>	<b>§</b>	
<b>UTILITY DISTRICT'S CERTIFICATE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>OF CONVENIENCE AND NECESSITY</b>	<b>§</b>	
<b>IN COLLIN COUNTY BY EXPEDITED</b>	<b>§</b>	
<b>RELEASE (TRACT 5)</b>	<b>§</b>	

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

On September 8, 2021, E Real Estate, LLC (E Real Estate) filed a petition for streamlined expedited release from Marilee Special Utility District's (Marilee SUD) water Certificate of Convenience and Necessity (CCN) No. 10150 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). E Real Estate asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Collin, which is a qualifying county. E Real Estate filed supplemental information on October 8, 22 and 26, 2021.

On November 25, 2021, the administrative law judge (ALJ) filed Order No. 3, establishing a deadline of December 3, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file supplemental 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 Pai Liu of the Commission's Infrastructure Division, recommends that the petition is administratively incomplete. Staff further recommends that E Real Estate be ordered to cure the deficiencies identified in Ms. Liu's memorandum by December 17, 2021 and that Staff be given a deadline of January 21, 2022 to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully requests adoption of these proposed deadlines as some of the noted deficiencies are related to mapping information and Staff's mapping experts may be required to assist Marilee SUD regarding the supplemental mapping information needed to cure the mapping deficiencies and will require at least thirty days to review same.

## II. 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.

## III. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively incomplete, and that E Real Estate be ordered to file supplemental information to cure the deficiencies in the petition by December 17, 2021. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: December 3, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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/s/ Forrest Smith  
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**DOCKET NO. 52530**

**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 December 3, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith  
Forrest Smith

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Forrest Smith, Attorney  
Legal Division

**FROM:** Pai Liu, Infrastructure Analyst  
Infrastructure Division

**DATE:** **December 3, 2021**

**RE:** Docket No. 52530 – *Petition of E Real Estate, LLC to Amend Marilee Special Utility District' S Water Certificate of Convenience and Necessity in Collin County by Streamlined Expedited Release (Tract 5).*

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On September 8, 2021, E Real Estate, LLC (E Real Estate) 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). E Real Estate 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 the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review of the additional information provided by E Real Estate on October 26, 2021, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

### **Petition Content:**

The following deficiencies must be remedied:

1. A revised affidavit indicating E Real Estate owns the entire tract (224.89 acres) and is seeking to release the portion of tract (55.88 acres) from CCN No. 10150.
2. A revised petition indicating E Real Estate owns the entire tract (224.89 acres) and is seeking to release the portion of tract (55.88 acres) from CCN No. 10150.

### **Mapping Content:**

Maps and digital mapping data submitted with Item 9 on October 26, 2021 are deficient.

E Real Estate must submit the following items to resolve the mapping deficiencies:

- A revised detailed map identifying the tract of land, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads. The detailed map should identify the following:
  - The entire tract that includes each tract (five tracts) conveyed by each deed owned by E Real Estate (identify the outer boundary of each individual tract and label each with its corresponding deed); and
  - The outer boundary of the portion of tract to be released.
- Digital mapping data for the tract of land, provided in a shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet). Include the following digital mapping data for the tract of land:
  - The entire tract that includes each tract (five tracts) conveyed by each deed owned by E Real Estate; and
  - The portion of tract to be released.

Staff recommends E Real Estate obtain additional mapping guidance from the PUC's mapping staff, Ms. Tracy Montes by email at [tracy.montes@puc.texas.gov](mailto:tracy.montes@puc.texas.gov) to resolve the mapping deficiencies.