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DOCKET NO. 52530

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

ORDER NO. 5
FINDING PETITION, AS AMENDED,
ADMINISTRATIVELY INCOMPLETE AND NOTICE SUFFICIENT,
AND ESTABLISHING OPPORTUNITY TO CURE

This Order addresses the sufficiency of the September 8, 2021 petition and notice filed by E Real Estate, LLC to amend Marilee Special Utility District's water certificate of convenience and necessity (CCN) in Collin County by streamlined expedited release. On October 8 and 26, 2021 E Real Estate filed supplements to the petition. On December 13, 2021, E Real Estate filed an amended petition.

On January 21, 2022, Commission Staff filed a supplemental recommendation that, among other things, the application be found administratively complete and notice sufficient.

The administrative law judge (ALJ) finds notice sufficient.

The ALJ, however, finds that the petition remains deficient. According to the first amended petition, the petitioner "owns approximately 221.89 acres of *contiguous* property"¹ (which the petitioner identifies as "tract 5"), of which the petitioner is seeking the release of approximately 55.88 acres, "as reflected in the attached exhibits." When looking at the attached exhibits, however, it does not appear to the ALJ that the petitioner is seeking release of 55.88 acres out of a larger 221.89-acre property. Rather, it appears to the ALJ that the petitioner owns approximately 59.916 acres of contiguous property, of which the petitioner seeks release of 55.88 acres. Moreover, the maps and deed provided with the petition identify the subject land as "Tract Three," while the deed identifies Tract Five as containing 18.748 acres.

By February 14, 2022, E Real Estate must clarify these apparent discrepancies.

¹ Emphasis added.

By February 28, 2022, Commission Staff must make a new recommendation on administrative completeness and propose a procedural schedule, if appropriate.

Signed at Austin, Texas the 25th day of January 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE