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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)	§	

COMMISSION STAFF'S SECOND 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 County, which is a qualifying county. E Real Estate filed supplemental information on October 8, 2021, October 22, 2021, October 26, 2021, December 13, 2021, and February 14, 2022.

On January 24, 2022, the administrative law judge (ALJ) filed Order No. 5, establishing a deadline of February 28, 2022 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 E Real Estate's responses and recommends that the responses are insufficient because they didn't clarify the discrepancies identified by Staff in Ms. Liu's October 8, 2021 memoranda. In addition to clarifying the discrepancies as stated in Order No. 5, Staff also recommends that the petitioner clarify the discrepancy identified in Staff's last memorandum regarding the typographical error regarding the amount of acreage in the portion of land called "Tract Three". Staff further recommends that E Real Estate be ordered to cure the deficiencies identified by March 28, 2022, and that Staff be given a deadline of April 25, 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 the 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 March 28, 2022. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: February 28, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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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 February 28, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith
Forrest Smith