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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 THIRD 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, Texas, which is a qualifying county. E Real Estate filed supplemental information on October 8, 2021, October 22, 2021, October 26, 2021, December 13, 2021, February 14, 2022, and March 25, 2022.

On March 1, 2022, the administrative law judge (ALJ) filed Order No. 6, establishing a deadline of April 25, 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 the petition and supplemental information and, as detailed in the attached memorandum from Pai Liu, Infrastructure Division, recommends that the supplemented petition is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

II. NOTICE SUFFICIENCY

Under 16 TAC § 24.245(h)(3)(f), a landowner seeking streamlined expedited release 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 to the Commission. E Real Estate stated

that it mailed a copy of its petition to the CCN holder, Marilee SUD, by certified mail on the day the petition was filed with the Commission. Inspiration West also included an affidavit attesting to this provision of notice to Marilee SUD. Accordingly, Staff recommends that the notice is sufficient.

III. PROCEDURAL SCHEDULE

Under 16 TAC § 24.245(h)(7), there is an expedited deadline of 60 days for approval of the requested release that begins once the ALJ issues an order finding a petition administratively complete. Staff recommends that the petition be found administratively complete. Therefore, Staff proposes the following procedural schedule and requests that the ALJ populate the deadlines accordingly when the ALJ issues that order.

Event	Date
Deadline for Marilee SUD and intervenors to file a response to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a reply to Marilee SUD’s response	27 days from the date of the order finding the petition administratively complete
Deadline for Staff’s recommendation on final disposition	41 days from the date of the order finding the petition administratively complete
Sixty-day administrative approval of streamlined expedited release	60 days from the date of the order finding the petition administratively complete
<i>In the event streamlined expedited release is granted and petitioner and Marilee SUD can select an agreed-upon appraiser</i>	
Deadline for petitioner and Marilee SUD to make a filing stating that they have selected an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for appraiser’s report	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission’s final order determining the amount of monetary compensation, if any, owed by petitioner to Marilee SUD	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to Marilee SUD	Within 90 days of the Commission’s final order on compensation
<i>In the event streamlined expedited release is granted and petitioner and Marilee SUD unable to select an agreed-upon appraiser</i>	

Deadline for E Real Estate and Marilee SUD to make a filing stating that they have been unable to select an agreed-upon appraiser and affirming that they will pay half of the cost of Commission Staff's appraiser ¹	Within 10 days after the Commission approves streamlined expedited release ²
Deadline for reports from petitioner's appraiser and Marilee SUD's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to Marilee SUD	Within 60 days after the Commission receives the final appraisal
Deadline for E Real Estate to pay any compensation due to Marilee SUD	Within 90 days of the Commission's final order on compensation

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively complete, that the notice be found sufficient, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

¹ TWC § 13.2541(i).

² It is critical for Staff to know as soon as possible after the Commission grants the petition whether Staff needs to secure the services of a third appraiser. If the petitioner and CCN holder are unable to agree and fail to make this filing, Staff may need additional time to file its appraiser's report.

Dated: April 25, 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 April 25, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith
Forrest Smith

Public Utility Commission of Texas

Memorandum

TO: Forrest Smith, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: April 25, 2022

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

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, Texas 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, Texas which is a qualifying county.

E Real Estate submitted a sworn affidavit attesting that the property was not receiving water service from Marilee SUD, and a warranty deed confirming E Real Estate's ownership of the tract of land. Based on the mapping review by Tracy Montes, Infrastructure Division, the digital data submitted with Item 9 on October 26, 2021, and the maps submitted with Item 12 on December 13, 2021, are sufficient. Further, the Petitioner's response to Item 18 on March 25, 2022, adequately confirms that the landowner's total property conveyed in the deed is 221.89 acres and confirms the correction to the actual acreage for tract 3 includes 56.916 acres, instead of 59.916 acres. Tract 3 is not contiguous with the remainder of the landowner's total property and the petitioner is only seeking to release a portion of tract 3. However, since tract 3 includes more than 25 acres and is not receiving water service, the tract of land may be decertified.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Marilee SUD on the date the petition was filed with the Commission.

Based on the mapping review by Ms. Montes and my technical and managerial review of the additional information provided by E Real Estate on October 26, 2021, December 13, 2021, and March 25, 2022, I recommend the petition be deemed administratively complete and accepted for filing.