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Received - 2021-12-03 02:31:37 PM

Control Number - 52531

ItemNumber - 10

DOCKET NO. 52531

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 4)	§	

**COMMISSION STAFF’S 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) number 10150 under Texas Water Code (TWC) § 13.2541(b) 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. On October 1, 2021 Marilee Special Utility District filed a motion to intervene. On November 4, 2021, E Real Estate filed supplemental information.

On October 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 be found administratively incomplete at this time. 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, 2021 to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully requests adoption of these proposed deadlines as the noted deficiencies are related to mapping information and Staff’s mapping experts may be required to assist E Real Estate regarding the supplemental mapping information needed to cure the mapping deficiencies and will require at least thirty days to review.

II. 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/ Phillip Lehmann
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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 December 3, 2021, in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Phillip Lehmann
Phillip Lehmann

Public Utility Commission of Texas

Memorandum

TO: Phillip Lehmann, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: December 3, 2021

RE: Docket No. 52531 – *Petition of E Real Estate, LLC to Amend Marilee Special Utility District's Certificate of Convenience and Necessity in Collin County by Expedited Release (Tract 4)*

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 of the Infrastructure Division, and my technical and managerial review of the additional information provided by E Real Estate, I recommend that the petition be deemed insufficient for filing and found administratively incomplete at this time.

Petition Content:

The following deficiencies must be remedied:

1. A revised affidavit indicating that E Real Estate owns the entire tract (530.295 acres) and is seeking to release the portion of the tract (486.85 acres) from CCN No. 10150.
2. A revised petition indicating E Real Estate owns the entire tract (530.295 acres) and is seeking to release the portion of the tract (486.85 acres) from CCN No. 10150.

Mapping Content:

The maps and digital mapping data submitted with Item No. 9 on November 4, 2021 are deficient.

E Real Estate must submit the following items to resolve the outstanding 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 conveyed by each deed owned by E Real Estate (the outer boundary of each individual tract must be identified and labeled with each corresponding deed); and
- The outer boundary of the portion of the tract to be released.
- Digital mapping data for the tract of land, 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). Include the following digital mapping data for the tract of land:
 - The entire tract that includes each tract conveyed by each deed owned by E Real Estate, labeled with those deeds, including acreage in the shapefile; and
 - The outer boundary of the portion of the tract to be released.

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