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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) No. 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 and December 13, 2022, E Real Estate filed supplemental information.

On December 7, 2021, the administrative law judge (ALJ) filed Order No. 4, establishing a deadline of January 21, 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, as detailed in the attached memorandum from Pai Liu of the Commission's Infrastructure Division, recommends that the petition again be found administratively incomplete. Staff further recommends that E Real Estate be ordered to cure the deficiencies identified in Ms. Liu's memorandum by February 18, 2022 and that Staff be given a deadline of March 18, 2022 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 same.

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 February 18, 2022. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: January 21, 2022

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 January 21, 2022, in accordance with the Order Suspending Rules issued 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: January 21, 2022

RE: Docket No. 52531 – *Petition of E Real Estate, LLC to Amend Marilee Special Utility District's Certificate of Convenience and Necessity in Collin*

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 on December 13, 2021, I recommend that the petition be deemed insufficient for filing and found administratively incomplete.

Mapping Content:

The digital mapping data submitted with Item 12 on December 13, 2021 is deficient. The revised petition, affidavit, and digital mapping data provided for the landowner's total property includes approximately 924 acres. However, the three deeds indicate the landowner only owns approximately 900 acres.

Petitioner must submit the following items to resolve the mapping deficiencies:

- Digital mapping data for the landowner's total property as conveyed by each deed, as a single polygon record, in a shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet).

Staff recommends the Petitioner 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.