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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 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(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, December 13, 2021, February 18, 2022 and April 4, 2022, E Real Estate filed supplemental information.

On March 18, 2022, the administrative law judge (ALJ) filed Order No. 6, establishing a deadline of May 18, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on sufficiency of the petition and propose a procedural schedule. 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 continues to be found administratively incomplete. Staff further recommends that E Real Estate be ordered to cure the deficiencies identified in Ms. Liu's memorandum by June 17, 2022 and that Staff be given a deadline of July 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. 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 June 17, 2022. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: May 17, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Keith Rogas
Division Director

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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 May 17, 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: May 18, 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 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, Infrastructure Division, and my technical and managerial review of the additional information provided by E Real Estate on February 18, 2022 and April 4, 2022, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

Mapping Content:

E Real Estate must submit the following items to resolve the mapping deficiencies:

- Revised digital mapping data provided 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) for:
 - The landowner's total property as conveyed by each deed; and
 - The tract of land to decertify from CCN No. 10150.

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. Staff will need at least 30 days to review the documentation, maps, and digital data provided by E Real Estate and draft a recommendation.