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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 SUPPLEMENTARY 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, and June 15, 2022, E Real Estate filed supplemental information.

On July 19, 2022, the administrative law judge filed Order No. 8, establishing a deadline of July 25, 2022, for the Staff (Staff) of the Public Utility Commission (Commission) to file a supplemental recommendation on sufficiency of the petition and propose a procedural schedule for further processing. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition, and as detailed in the attached memorandum from Chase Lipscomb of the Infrastructure Division, recommends that the petition be found administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

II. NOTICE SUFFICIENCY

Along with its petition, counsel for E Real Estate submitted a certificate of service, which certified that a copy of the petition was sent via certified mail to Marilee SUD on September 8, 2021. Staff recommends that E Real Estate's notice meets the requirements of 16 TAC § 24.245(h)(3)(F) and should be found sufficient.

III. PROPOSED 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 E Real Estate 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 Staff's recommendation on final disposition	34 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a reply to E Real Estate's response and 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 E Real Estate and Marilee SUD</i>	

<i>can select an agreed-upon appraiser</i>	
Deadline for petitioner and E Real Estate 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 E Real Estate	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to E Real Estate	Within 90 days of the Commission's final order on compensation
<i>In the event streamlined expedited release is granted and E Real Estate and Marilee SUD are unable to select an agreed-upon appraiser</i>	
Deadline for petitioner and E Real Estate 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 E Real Estate'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 E Real Estate	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to E Real Estate	Within 90 days of the Commission's final order on compensation

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.

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.

Dated: July 25, 2022

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Phillip Lehmann
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DOCKET NO. 52531

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 July 25, 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: Chase Lipscomb, Infrastructure Analyst
Infrastructure Division

DATE: July 25, 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.

E Real Estate submitted a sworn affidavit attesting that the tract of land was not receiving water service from Marilee SUD and a warranty deed confirming ownership of the landowner's total property. E Real Estate included 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 Tracy Montes, Infrastructure Division, the maps submitted with Item 15 on February 18, 2022, and the digital mapping data submitted with Item 21 submitted on June 15, 2022, are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within Marilee SUD's water CCN.

Ms. Montes confirms that the petitioner's detailed map indicates that County Road (CR) 101 divides the landowner's total property with 919.212 acres into two non-contiguous tracts of land, each of which meet the 25-acre requirement. The tract located on the west of CR 101 includes 316.322 acres and is included in the petitioner's request for streamlined expedited release. The tract located on the east of CR 101 includes 602.89 acres and is not included in the petitioner's request for streamlined expedited release. The tract of land in the petition for streamlined expedited release is approximately 486.85 acres, of which approximately 485 acres overlap Marilee SUD (CCN No. 10150) and would be decertified from CCN No. 10150.

Based on my technical and managerial review and the mapping review by Tracy Montes of the additional information provided by E Real Estate on April 4, 2022, February 18, 2022, and June 15, 2022, I recommend the petition be deemed administratively complete and accepted for filing.