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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 FINAL RECOMMENDATION

I. BACKGROUND

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, and February 18, 2022, E Real Estate filed supplemental information.

On July 26, 2022, the administrative law judge (ALJ) filed Order No. 9, establishing a deadline of March 18, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on final disposition. Therefore, this pleading is timely filed.

II. FINAL RECOMMENDATION

Staff has reviewed the application and supplemental information and, as supported by the attached memorandum of Chase Lipscomb of the Infrastructure Division recommends approval of the application. Staff's review indicates that E Real Estate meets the technical, managerial, and financial requirements of Chapter 13 of the Texas Water Code and Title 16, Chapter 24 of the Texas Administrative Code and, therefore, is capable of providing continuous and adequate service. Additionally, Staff's review suggests that approval of the application is necessary for the service, accommodation, convenience, and safety of the public.

III. CONCLUSION

For the reasons detailed above, Staff respectfully requests that E Real Estate's application be approved.

Dated: September 6, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Keith Rogas
Division Director

Marisa Lopez Wagley
Managing Attorney

/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 September 6, 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: September 6, 2022

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

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 provided a warranty deed confirming ownership of the tracts of land within Marilee SUD's certificated service area. In addition, E Real Estate submitted a sworn affidavit attesting that the tract of land was not receiving water service from the CCN holder. Marilee SUD requested to intervene.

Based on the mapping review by Tracy Montes, Infrastructure Division, it was determined 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).

Marilee SUD provided documentation stating plans for new facilities are in place to serve growth in the vicinity of the property and has other planning efforts to ensure its water system continues to meet the needs of its service area.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), E Real Estate has met the Commission's requirements to allow for the release of the tract of land from Marilee SUD's CCN No.10150. Therefore, I recommend approval of the petition. Enclosed is a final map and certificate for Commission approval.

Additionally, I recommend that a final map and certificate be provided to the CCN holder.



Public Utility Commission of Texas

By These Presents Be It Known To All That

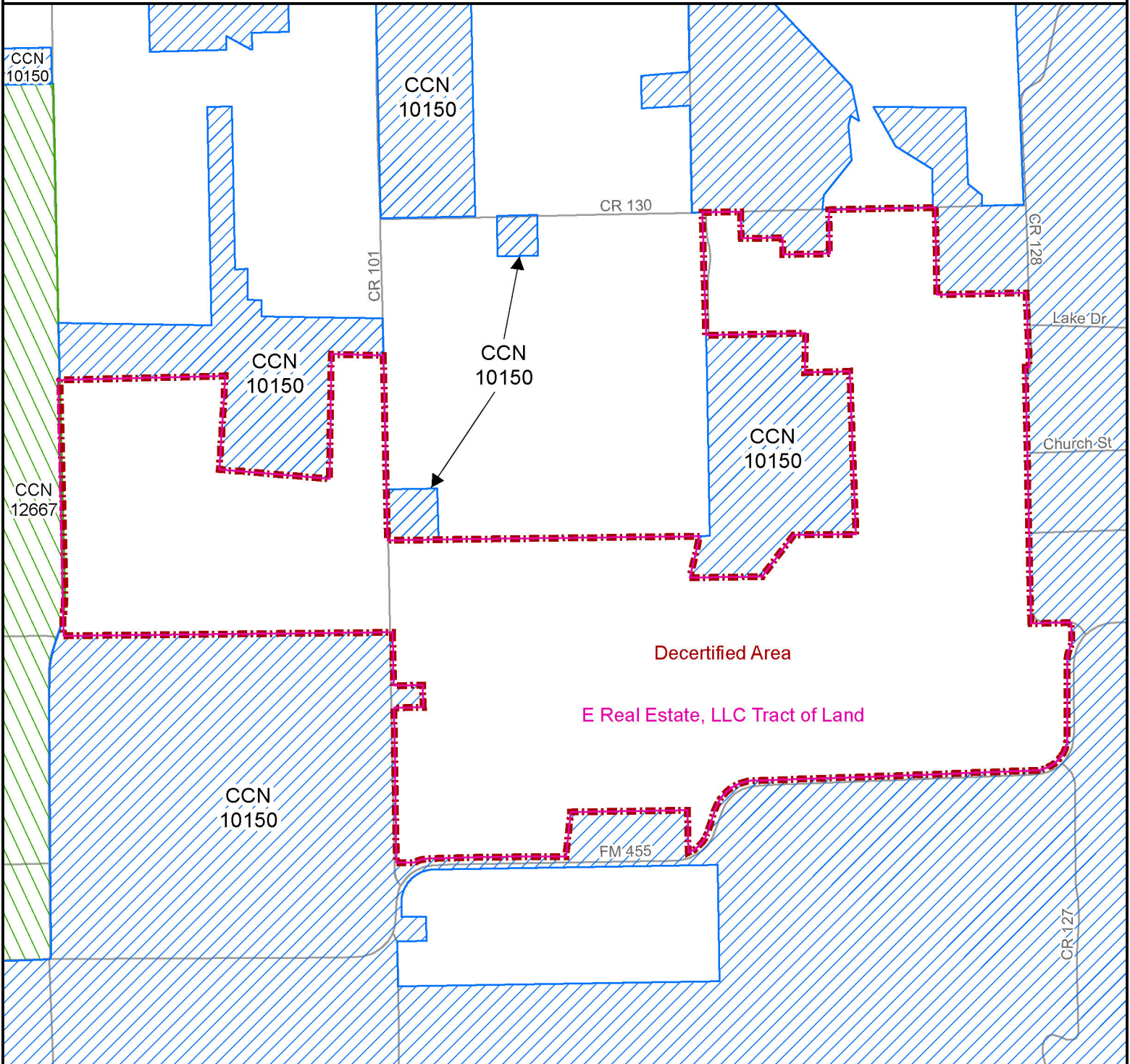
Marilee Special Utility District

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Marilee Special Utility District is entitled to this

Certificate of Convenience and Necessity No. 10150

to provide continuous and adequate water utility service to that service area or those service areas in Collin County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52531 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Marilee Special Utility District to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Marilee Special Utility District
 Portion of Water CCN No. 10150
 PUC Docket No. 52531
 Petition by E Real Estate, LLC to Amend
 Marilee Special Utility District's CCN by Streamlined Expedited Release in Collin County



Water CCN

- 10150 - Marilee SUD
- 12667 - City of Celina

- Decertified Area
- Tract of Land

