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Received - 2023-01-17 11:15:58 AM

Control Number - 52531

ItemNumber - 39

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	§	

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND NOTICE AND PROPOSED
PROCEDURAL SCHEDULE**

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 and April 4, 2022, June 15, 2022, August 15, 2022, and December 19, 2022, E Real Estate filed supplemental information.

On November 21, 2022, the administrative law judge (ALJ) filed Order No. 14, establishing a deadline of January 17, 2023, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on administrative completeness of the petition and propose a procedural schedule. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

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

II. NOTICE

Under 16 TAC § 24.245(h)(3)(f), a landowner seeking streamlined expedited release must provide proof that a copy of the petition has been mailed to the current CCN holder via certified

mail on the day that the landowner submits the petition to the Commission. E Real Estate stated that it mailed a copy of its petition to the CCN holder, Marilee SUD, by certified mail on the day the petition was filed with the Commission. Accordingly, Staff recommends that the notice is 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 the CCN holder to file a response, verified by a notarized affidavit, to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a response to CCN holder’s response to the administratively complete petition	27 days from the date of the order finding the petition administratively complete
Deadline for 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 petitioner and CCN holder can select an agreed-upon appraiser</i>	
Deadline for petitioner and the CCN holder 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 CCN holder	Within 60 days after appraiser's report

Deadline for petitioner to pay any compensation due to CCN holder	Within 90 days of the Commission’s final order on compensation
<i>In the event streamlined expedited release is granted and petitioner and CCN holder are unable to select an agreed-upon appraiser</i>	
Deadline for petitioner and the CCN holder to make a filing stating that they have been unable to select an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for reports from petitioner’s appraiser and the CCN holder’s appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission 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 the CCN holder	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to the CCN holder	Within 90 days of the Commission’s final order on compensation

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: January 17, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

Marisa Lopez Wagley
Managing Attorney

/s/ Phillip Lehmann
Phillip Lehmann
State Bar No. 24100140
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711
(512) 936-7385
(512) 936-7268 (facsimile)
phillip.lehmann@puc.texas.gov

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CERTIFICATE OF SERVICE

I certify that unless otherwise ordered by the presiding officer, notice of the filing of this document will be provided to all parties of record via electronic mail on January 17, 2023 in accordance with the Second 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: January 17, 2023

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 Streamlined 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 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 revised map named Exhibit “A” and the revised digital mapping data submitted with Item 38 on December 19, 2022 are sufficient for determining the location of the tract(s) of land considered for streamlined expedited release is located within Marilee SUD’s water CCN.

Ms. Montes confirms that the petitioner’s revised general location map named Exhibit “A” indicate that County Road (CR) 101 divides the landowner’s total property (called “Overall Property”) into two non-contiguous tracts of land called the “West Tract” and “East Tract.” The “West Tract” located on the west of CR 101 includes approximately 114.5 acres and the “East Tract” located on the east of CR 101 includes approximately 370.5 acres. Both the “West Tract” and the “East Tract” both meet the 25-acre requirement. The two tracts of land in the revised petition for streamlined expedited release is approximately 485 acres, of which approximately 484 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 December 19, 2022, I recommend the petition be deemed administratively complete and accepted for filing.