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DOCKET NO. 52531

PETITION OF E REAL ESTATE BY	§	PUBLIC UTILITY COMMISSION
EXPEDITED RELEASE, LLC TO	§	
AMEND MARILEE SPECIAL UTILITY	§	OF TEXAS
DISTRICT'S CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
COLLIN COUNTY BY EXPEDITED	§	
RELEASE	§	

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON FINAL
DISPOSITION**

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 SUD filed a motion to intervene. On November 4, 2021, December 13, 2021, February 18, 2022, April 4, 2022, and June 15, 2022, E Real Estate filed supplemental information. On December 19, 2022, E Real Estate filed a second amended petition.

On March 17, 2023, the administrative law judge filed Order No. 16, requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on final disposition by April 20, 2023. Therefore, this pleading is timely filed.

I. SUPPLEMENTAL RECOMMENDATION

Staff has reviewed the petition and supplemental information, and, as detailed in the attached memorandum from Chase Lipscomb of the Infrastructure Division, recommends that the petition be deemed administratively incomplete. Staff further recommends that E Real Estate be ordered to cure the deficiencies identified in Mr. Lipscomb's memorandum by May 22, 2023 and that Staff be given a deadline of June 19, 2023 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 May 22, 2023. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: April 20, 2023

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Marisa Lopez Wagley
Interim Division Director

/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 on April 20, 2023 in accordance with the Second Order Suspending Rules filed 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: April 20, 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 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.

Based on the mapping review by Tracy Montes, and my technical and managerial review of the additional information provided by E Real Estate on March 20, 2023, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

E Real Estate must file the following items:

Administrative Content:

1. Please provide an affidavit from a mapping professional that created the detailed map and attests to the location of the meters in question requested by staff in item 2.

Mapping Content:

2. Provide a detailed map identifying each tract of land owned by E Real Estate shown in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads. The detailed map must include the following:
 - a. This detailed map must identify the accurate location for meter nos. 77, 315, 360, and 381. The locations of the meters cannot be hand drawn on the map.
 - b. This detailed map must include a scale bar with a unit of measurement.