



## **Filing Receipt**

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**Item Number - 49**

**DOCKET NO. 52531**

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

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON SUFFICIENCY  
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 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 June 20, 2023, the administrative law judge filed Order No. 18, requiring 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 by July 5, 2023. Therefore, this pleading is timely filed.

**I. SUPPLEMENTAL RECOMMENDATION**

Staff has reviewed the supplemental information filed on May 22, 2023 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. 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
<b><i>In the event streamlined expedited release is granted and petitioner and CCN holder can select an agreed-upon appraiser</i></b>	
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
<b><i>In the event streamlined expedited release is granted and petitioner and CCN holder are unable to select an agreed-upon appraiser</i></b>	

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

### **III. CONCLUSION**

For the reasons detailed above, Staff recommends that the petition be found administratively complete and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: July 5, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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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 July 5, 2023 in accordance with the Second Order Suspending Rules filed in Project No. 50664.

/s/ Phillip Lehmann  
Phillip Lehmann

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Phillip Lehmann, Attorney  
Legal Division

**FROM:** Chase Lipscomb, Infrastructure Analyst  
Infrastructure Division

**DATE:** July 5, 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*

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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 tracts of land considered for streamlined expedited release are 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).

On May 22, 2023, E Real Estate filed additional maps, showing the meters were outside the tract of land (labeled as 'East Tract' on Exhibits A-C). Along with the maps was an affidavit from Mr. Frank G. Abbott, Jr., P.E. stating that the maps provided show accurate locations of meter nos. 77, 360, and 381 and that none of the meters provide service to the tract of land

(called 'property' in affidavit). He also mentions that there was a diligent search for meter no. 315 however he was unable to locate that meter. He stated as part of his review of meter no. 315, he spoke with Mr. Van. D. Nichols and Ms. Leah Stout, however he does not indicate how they are associated with E Real Estate. Regardless of this, I believe his affidavit and maps accurately reflect that the locations of meter nos. 77, 360, and 381 are outside of the tract of land and that meter no. 315 is not within the tract of land either.

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 and May 22, 2023, I recommend the petition be deemed administratively complete and accepted for filing.