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Received - 2021-10-08 09:57:06 AM

Control Number - 52531

ItemNumber - 4

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 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) number 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 September 9, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of October 8, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments regarding the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition, and as detailed in the attached memorandum from Pai Liu of the Commission’s Infrastructure Division, recommends that the petition be found administratively incomplete at this time. Staff further recommends that E Real Estate be ordered to cure the deficiencies identified in Ms. Liu’s memorandum by October 22, 2021 and that Staff be given a deadline of November 19, 2021 to file a supplemental recommendation on the administrative completeness of the petition.

II. RECOMMENDATION ON NOTICE

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 Special Utility District

on September 8, 2021. Staff recommends that E Real Estate's meets the requirements of 16 TAC § 24.245(h)(3)(F), and therefore, that E. Real Estate's notice be found sufficient.

III. 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 October 22, 2021. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: October 8, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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Division Director

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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 October 8, 2021, 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: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: October 4, 2021

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.

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

Mapping Content:

The maps and digital mapping data submitted with Item 1 on September 8, 2021 are deficient.

E Real Estate must submit the following items to resolve the mapping deficiencies:

- 1) A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.
- 2) A detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- 3) Digital mapping data for the requested area, as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet).

Staff recommends E Real Estate obtain additional mapping guidance from the PUC's mapping staff, Ms. Tracy Montes by email at tracy.montes@puc.texas.gov to resolve the mapping

deficiencies. Staff will need at least 30 days to review the documentation, maps, and digital data provided by E Real Estate and draft a recommendation.