



Filing Receipt

Filing Date - 2023-08-16 12:25:15 PM

Control Number - 52531

Item Number - 51

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 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 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 July 6, 2023, the administrative law judge (ALJ) filed Order No. 19, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on final disposition by August 16, 2023. Therefore, this pleading is timely filed.

I. RECOMMENDATION ON FINAL DISPOSITION

Staff has reviewed the petition and, as detailed in the attached memorandum of Chase Lipscomb of the Infrastructure Division, recommends that the petition be approved. Specifically, Staff recommends that the petition submitted by E Real Estate satisfies the requirements of TWC § 13.2541(b) and 16 TAC § 24.245(h). The final water CCN map and certificate are attached. Staff recommends that the final map and certificate be provided to Marilee SUD and that Marilee SUD file a certified copy of the CCN map and a boundary description of the CCN service area in the Collin County Clerk's office, as required under TWC § 13.257(r)-(s).

II. CONCLUSION

For the reasons detailed above, Staff respectfully recommends the petition be approved and respectfully requests the entry of an order consistent with the foregoing recommendations.

Dated: August 16, 2023

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Marisa Lopez Wagley
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 will be provided to all parties of record via electronic mail on August 16, 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: August 14, 2023

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 revised general location map named Exhibit "A" (Item No. 38 filed on December 19, 2022) indicates 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 to the west of CR 101 includes approximately 114.5 acres and the "East Tract" located to 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).

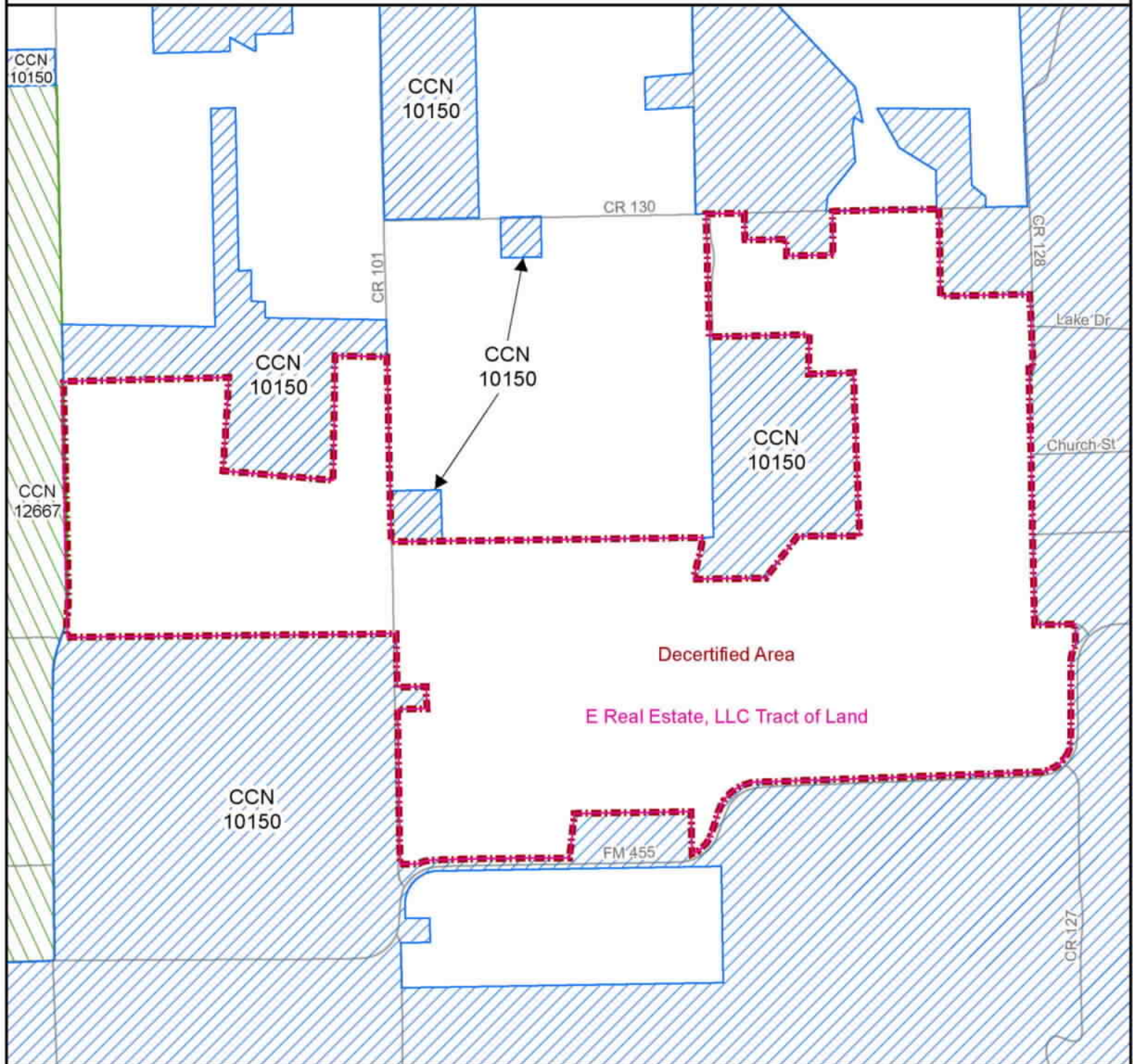
Marilee SUD requested to intervene; they provided documentation showing that they had meters on the property and are capable of providing service.

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.

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.

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

0 575 1,150
Feet





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 and Grayson 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.