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DOCKET NO. 52531

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

**NOTICE OF APPROVAL
MAKING A DETERMINATION ON COMPENSATION**

In this Notice of Approval, the Commission determines that, for the streamlined expedited release of two tracts of land granted in this docket, E Real Estate, LP owes \$7,000 to Marilee Special Utility District under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamlined expedited release and removed E Real Estate's tracts of land from Marilee SUD's certificated service area under certificate of convenience and necessity (CCN) number 10150. The Commission's determination on compensation is based on an agreement between E Real Estate and Marilee SUD.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. E Real Estate is a Texas limited partnership registered with the Texas secretary of state under filing number 804818518.

CCN Holder

2. Marilee SUD is Texas water district and a special utility district operating under chapter 65 of the Texas Water Code (TWC).
3. Marilee SUD holds CCN number 10150 that obligates it to provide retail water service in its certificated service area in Collin County.
4. On November 2, 2021, Marilee SUD and Mustang Special Utility District were consolidated into a single entity.

Petition

5. On September 8, 2021, the petitioner filed a petition for streamlined expedited release of two tracts of land from the CCN holder's service area under CCN number 10150.
6. In an Order filed on October 12, 2023, the Commission granted the petition and released the two tracts of land from the CCN holder's certificated service area.
7. Ordering paragraph 7 of the Order stated that, if streamlined expedited release was granted, this proceeding would continue for the purpose of determining compensation in accordance with the schedule adopted in Order No. 19.

Appraisers and Appraisals

8. No appraisers are needed to determine compensation in this docket because of the agreement between the petitioner and the CCN holder.

Compensation

9. On December 15, 2023, the petitioner and CCN holder filed a joint notice of agreement regarding compensation in which they agreed that \$7,000 is owed to the CCN holder as a result of the streamlined expedited release.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority to determine the amount of compensation to be awarded after granting streamlined expedited release under TWC §§ 13.254 and 13.2541.
2. No notice is required to determine the amount of compensation.
3. No opportunity for a hearing to determine compensation for streamlined expedited release is provided under TWC § 13.2541 or 16 Texas Administrative Code (TAC) § 24.245(h)(7).
4. The determination on compensation under TWC § 13.2541 and 16 TAC § 24.245(i) is not a contested case.
5. Under 16 TAC § 24.245(i)(1), if the petitioner and CCN holder agree on the amount of compensation to be paid, they may forego the appraisal process and make a joint filing with the Commission stating the amount of the compensation to be paid.

6. Compensation in the amount of \$7,000 is owed by the petitioner to the CCN holder for the release under TWC § 13.2541.
7. The Commission processed the petition in accordance with the TWC and Commission rules.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The petitioner must pay to the CCN holder compensation in the amount of \$7,000 within 90 days from the date this Notice of Approval is filed.¹
2. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas on the 18th day of December 2023.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

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¹ This implements the payment deadline mandated by 16 TAC § 24.254(i)(6). The parties are free to agree, via contract, to a shorter payment deadline.