



## Filing Receipt

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**DOCKET NO. 52532**

**PETITION OF E REAL ESTATE TO § PUBLIC UTILITY COMMISSION  
AMEND MARILEE SPECIAL §  
UTILITY DISTRICT'S CERTIFICATE § OF TEXAS  
OF CONVENIENCE AND NECESSITY §  
IN COLLIN COUNTY BY EXPEDITED §  
RELEASE (TRACT 3) §**

**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 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, Texas, which is a qualifying county. On February 3, 2022, Marilee SUD filed a verified response and motion to dismiss.

On January 14, 2022, the administrative law judge (ALJ) filed Order No. 5, establishing a deadline of February 17, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation of final disposition. Therefore, this pleading is timely filed.

**I. RECOMMENDATION ON FINAL DISPOSITION**

Staff has reviewed the petition and Marilee SUD's response and, as detailed in the attached memorandum from Pai Liu, Infrastructure Division, recommends that the petition does not satisfy the requirements of TWC § 13.2541 and 16 TAC § 24.245(h). Specifically, based on Marilee SUD's response, there are three active meters receiving water service and one water line that provides water service to two of the meters, that are located on the portion of E Real Estate's tract of land that E Real Estate requests to be released from Marilee SUD's CCN.<sup>1</sup> As such, Staff recommends that Marilee SUD has sufficiently rebutted E Real Estate's assertion that the tract of

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<sup>1</sup> Marilee Special Utility District's Verified Response and Motion to Dismiss at 5-7 and Exhibits A, A-1, A-2, A-3, B, and B-1 (Feb. 3, 2022).

land is not receiving service.<sup>2</sup> Therefore, Staff recommends that the petition for streamlined expedited release be denied at this time.

## II. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be denied and respectfully requests the entry of an order consistent with this recommendation.

Dated: February 17, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Sneha Patel  
Managing Attorney

/s/ Scott Miles  
Scott Miles  
State Bar No. 24098103  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7228  
(512) 936-7268 (facsimile)  
Scott.Miles@puc.texas.gov

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<sup>2</sup> *Tex. Gen. Land Office v. Crystal Clear Water Supply Corp.*, 449 S.W.3d.130, 140 (Tex. App.-Austin 2014, pet. denied).

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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 February 17, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Scott Miles  
Scott Miles

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Scott Miles, Attorney  
Legal Division

**FROM:** Pai Liu, Infrastructure Analyst  
Infrastructure Division

**DATE:** February 17, 2022

**RE:** Docket No. 52532 – *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 3)*

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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 provided a warranty deed confirming ownership of the tract 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.

Based on the mapping review by Tracy Montes, Infrastructure Division, it was determined the landowner's total property is approximately 535.315 acres. The tract of land in the petition for streamlined expedited release is approximately 146.75 acres, of which approximately 146 acres overlap Marilee SUD (CCN No. 10150) and would be decertified from CCN No. 10150.

Marilee SUD filed a verified response to the petition on February 3, 2022. In its verified response, Marilee SUD submitted sworn affidavits of Donna Loiselle and Eddy Daniel, who attested that there are three active meters receiving water service and one water line that provides water service to two of the meters, that are located on the portion of E Real Estate's tract of land that E Real Estate requests to be released from Marilee SUD's CCN.<sup>1</sup>

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<sup>1</sup> Marilee Special Utility District's Verified Response and Motion to Dismiss at 5-7 and Exhibits A and B (Feb. 3, 2022) (Response).

Additionally, Marilee SUD provided accompanying exhibits showing the activity and presence of the meters and water line on the tract of land.<sup>2</sup>

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), E Real Estate has not 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 denial of the petition.

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<sup>2</sup> Response at A-1, A-2, A-3, and B-1.