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February 24, 2022

Public Utility Commission of Texas  
P.O Box 13326  
Austin, Texas 78711-3326

*Via Electronic Filing*

Re: PUC Docket No. 52532; *Petition by E Real Estate, LLC for Expedited Release Pursuant to Texas Water Code Section 13.2541*; Public Utility Commission of Texas (Tract 3)

Dear Sir or Madam:

Petitioner files the attached Reply to Marilee SUD's Verified Response, Motion to Dismiss and Commission Staff's Recommendation on Final Disposition.

Due to weather conditions in the Dallas area Mr. Abbott was unable to have his affidavit notarized. It is Petitioners understanding that there is no objection to filing a supplemental affidavit when weather conditions improve.

Please do not hesitate to contact me should you have any questions.

Very truly yours,



Natalie B. Scott

Cc (w/encl.):

**Attorneys for Marilee Special Utility District:**

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PETITION BY E REAL ESTATE, LLC § BEFORE THE  
FOR EXPEDITED RELEASE FROM §  
WATER CCN NO. 10150 § PUBLIC UTILITY COMMISSION  
HELD BY MARILEE SPECIAL UTILITY §  
DISTRICT IN COLLIN COUNTY (TRACT 3) § OF TEXAS

**E REAL ESTATE, LLC’S REPLY TO MARILEE SPECIAL UTILITY DISTRICT’S  
VERIFIED RESPONSE, MOTION TO DISMISS AND COMMISSION STAFF’S  
RECOMMENDATION ON FINAL DISPOSITION**

**TO THE PUBLIC UTILITY COMMISSION OF TEXAS:**

E Real Estate, LLC (“Petitioner”) files its Reply to Marilee Special Utility District’s (“Marilee”) Verified Response and Motion to Dismiss to its Petition and Public Utility Commission Staff’s (“Commission Staff”) Recommendation on Final Disposition and shows as follows:

**I. Procedural Background**

On September 8, 2021, Petitioner filed its Petition for streamlined expedited release of approximately 146.75 acres of land (the “Property”) from Marilee’s Certificate of Convenience and Necessity (“CCN”) No. 10150. The Petition was found administratively complete on January 14, 2022. *See* Order No. 5. Marilee filed its Response to the Petition on February 3, 2022. On February 17, 2022, Commission Staff filed its Recommendation on Final Disposition. Petitioner now files its Reply to Marilee’s Response to the Petition and Commission Staff’s recommendation. This Reply is timely filed pursuant to Order No. 5.

Marilee alleges there are three active meters receiving water service and one water line that provides water service to two of the meters that located on the area of the Property that Petitioner seeks to decertify (the “Requested Area”). This is not the case, as Marilee’s maps are incorrect. As demonstrated by the attached mapping and photographs, there are no active water meters within

the boundaries of the Requested Area. *See* Exhibit A; Exhibits 1 – 8. Specifically, meter nos. 911 and 361 are outside of the boundaries of the Requested Area by approximately 5 feet and 15 feet, respectively. *See* Affidavit of Frank G. Abbott, Jr., P.E. attached as Exhibit B; *see also* Exhibits 1 – 4.<sup>1</sup> Additionally, meter No. 1117 is located on the south side of the entrance to the Requested Area, and is not part of the Requested Area. *See* Exhibit B; Exhibits 5 – 8. Accordingly, Petitioner disagrees with Commission Staff’s recommendation on final disposition. There is no basis for dismissal of the Petition as it meets the requirements of Texas Water Code 13.2541 and 16 Texas Administrative Code 24.245 and Petitioner has met its burden in showing there is no service to the Requested Area.

WHEREFORE, Petitioner respectfully requests that the Commission grant the Petition and remove the Requested Area from water CCN number 10150.

Respectfully submitted,

**COATS | ROSE**

By: 

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**ATTORNEY FOR PETITIONER**

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<sup>1</sup> Frank Abbotts’ affidavit explains in detail the location of each meter (meter nos. 911, 361 and 1117) in relation to the Requested Area.



**CERTIFICATE OF SERVICE**

I hereby certify that on this 24<sup>th</sup> day of February, 2022, a true and correct copy of the foregoing document was sent, via electronic mail to all parties of record, in accordance with the Order Suspending Rules, issued in Project No. 50664.

**Attorneys for Marilee SUD:**

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The Carlton Law Firm, P.L.L.C.  
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Natalie B. Scott

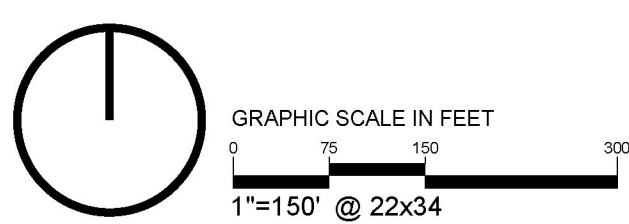
# **EXHIBIT A**





**LEGEND**

- # PHOTOGRAPH NUMBER
- WATER METER LOCATION



- NOTES:**
1. THIS PLAN IS CONCEPTUAL IN NATURE AND MAY HAVE BEEN PRODUCED WITHOUT THE BENEFIT OF A SURVEY OR CONTACT WITH THE CITY, COUNTY, ETC.
  2. FLOOD PLAN SHOWN IS SUBJECT TO CHANGE BASED ON A MORE DETAILED FULLY DEVELOPED FLOOD STUDY ANALYSIS.
  3. AERIAL IMAGE BY NEARMAP, COPYRIGHT 2022.

DWG NAME: K:\FRL\_CIVIL\67191018-KRRK-RANCH - ONCALL\DWG\EXHIBIT\PLANSHEET\SCCN52532-AERIAL EXHIBIT.DWG  
 LAST SAVED: 2/24/2022 11:40 AM

**METER LOCATION EXHIBIT**

**E REAL ESTATE  
 Eland Ranch**

DOCKET #52532  
 Celina, Texas  
 February 2022

**Kimley»Horn**

100 West Oak Street, Suite 203  
 Denton, Texas 76201  
 940-287-3620  
 State of Texas Registration No. F-928



# **EXHIBIT B**

PUC DOCKET NO. 52532

PETITION BY E REAL ESTATE, LLC	§	BEFORE THE
FOR EXPEDITED RELEASE FROM	§	
WATER CCN NO. 10150	§	PUBLIC UTILITY COMMISSION
HELD BY MARILEE SPECIAL UTILITY	§	
DISTRICT IN COLLIN COUNTY	§	OF TEXAS

**AFFIDAVIT OF FRANK G. ABBOTT, JR., P.E.**

**STATE OF TEXAS** §  
**COUNTY OF \_\_\_\_\_** §

BEFORE ME, the undersigned notary, personally appeared Frank G. Abbott, Jr., P.E., the affiant, a person who is known to me. After administering an oath, the affiant testified that:

1. “My name is Frank G. Abbott, Jr., P.E. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I am an engineer at Kimley-Horn. I have prepared the attached aerial map as Exhibit “A,” and it is an accurate representation of the three water meter locations (meters nos. 911, 361, and 1117) which service the farm house and corresponding main barn structures which are all outside of the area requested for release (the “Requested Area”). I have also reviewed the corresponding photographs which are attached as Exhibits 1 – 8 to show the general locations of where they were taken. They are also accurate representations of the locations of the water meters relative to the Property requested for release.

3. Exhibit Nos. 1 and 2 show the two existing meters (meters nos. 911 and 361) located on the west side of the overall property (east of CR 97), looking south towards the meters. These two meters service the main house and barn structure which are not within the boundary of the Requested Area. Exhibit Nos. 3 and 4 focus on the same two meters, looking west towards the meters. The tape measure shows the most northerly meter to be approximately 15 feet 9 inches north of the fence line. The most southerly meter is approximately 5 feet north of the fence line. For reference purposes, the southern boundary of the Requested Area is approximately 18 feet north of the same fence line.

4. Exhibit Nos. 5 and 6 show the existing meter located on the SWC of the back service drive and CR 101 (east side of the overall property, meter no. 1117), looking west toward the meter which services various barn structures. Exhibit Nos. 7 and 8 focus on the same meter, looking to the northwest towards the meter. This meter is south of the service drive. For reference purposes, the southerly boundary of the Requested Area is located on the north side of the service drive, generally along the existing fence line.

5. As evidenced by Exhibits A and 1 – 8, none of the meters (meters nos. 911, 361 and 1117) are in the Petitioners Requested Area for release.

FURTHER AFFIANT SAYETH NOT.

By:

 2/24/2022  
Frank G. Abbott, Jr., P.E.

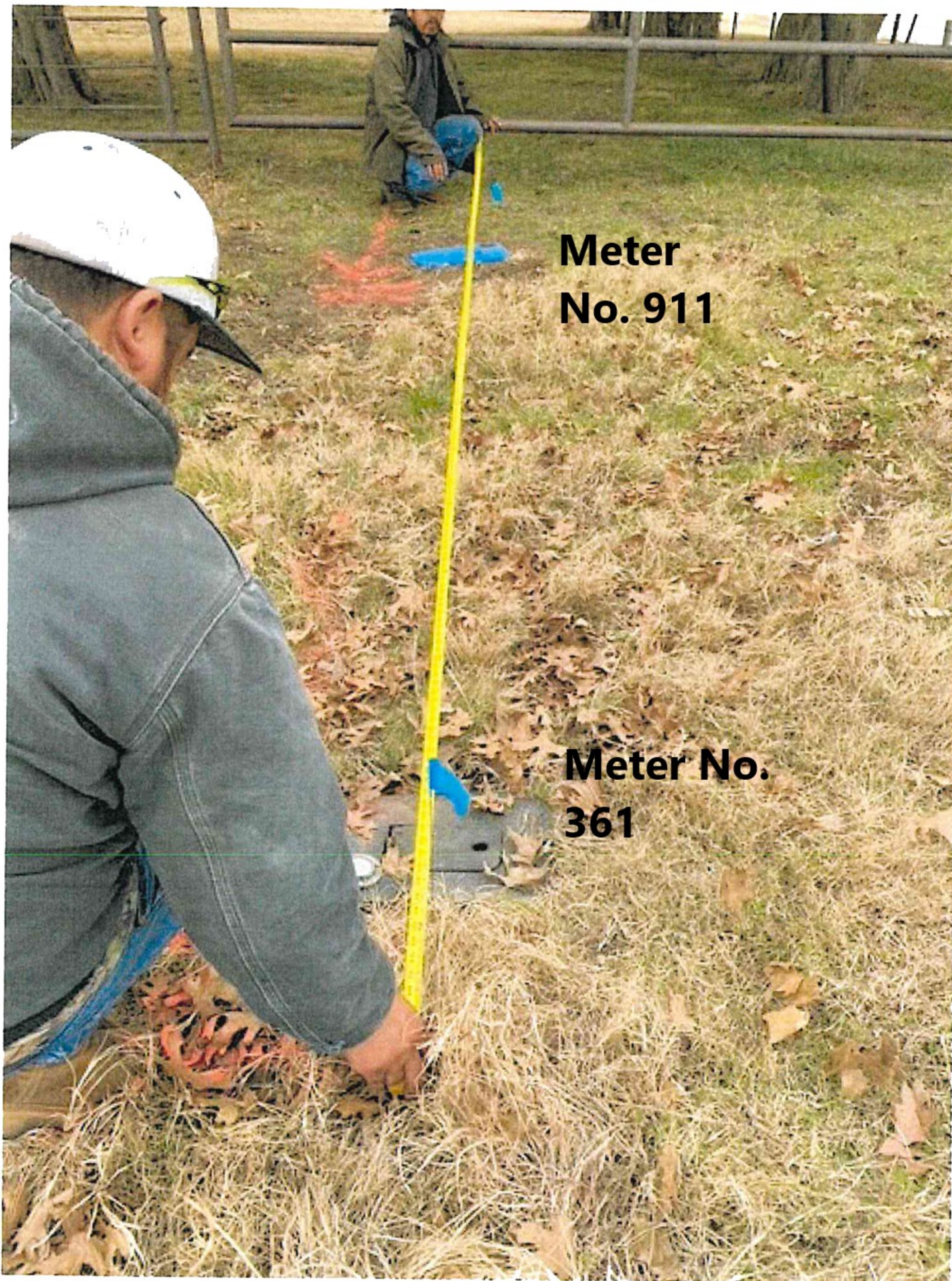
SWORN TO AND SUBSCRIBED TO BEFORE ME by Frank G. Abbott, Jr., P.E. on the 24<sup>th</sup> day of February, 2022.

\_\_\_\_\_  
Notary Public, State of Texas

# **EXHIBITS 1 – 8**



1



Looking South towards fence line  
From fence to most northern meter  
is approximately 15ft. 9 inches.



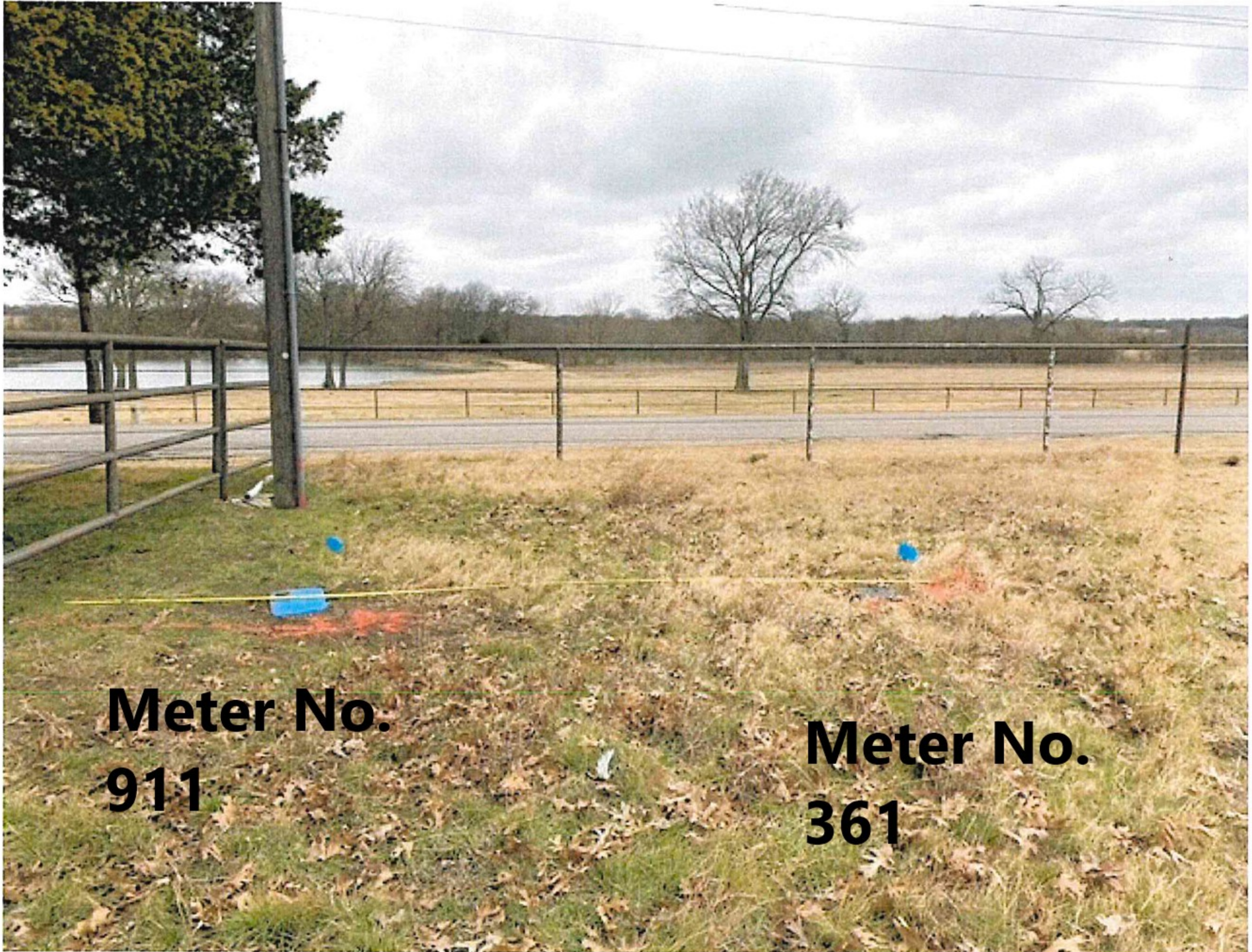
2



Meter No.  
361



3



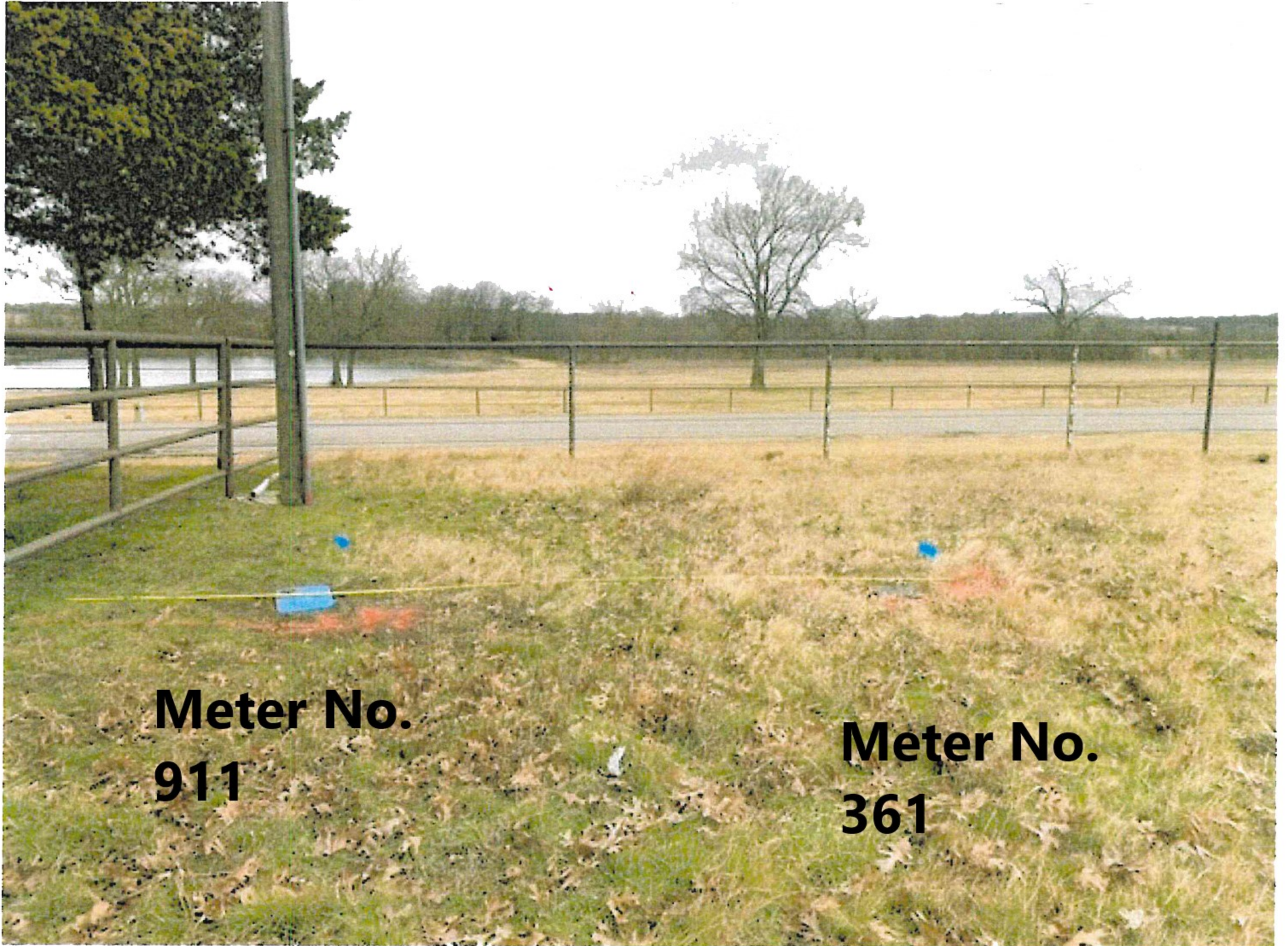
Meter No.  
911

Meter No.  
361

E to W View: Fence line to 3" north  
of most northern Meter is 16 ft.  
CR 97 N/S shown in picture.  
Fence to south is North fence line  
N of Main gate.



**4**



**Meter No.  
911**

**Meter No.  
361**



5

Meter



Meter No.

1117

Looking Westward from  
CR 101.





6

Gate

Meter

Meter No.

1117

CR101



7

N ↑

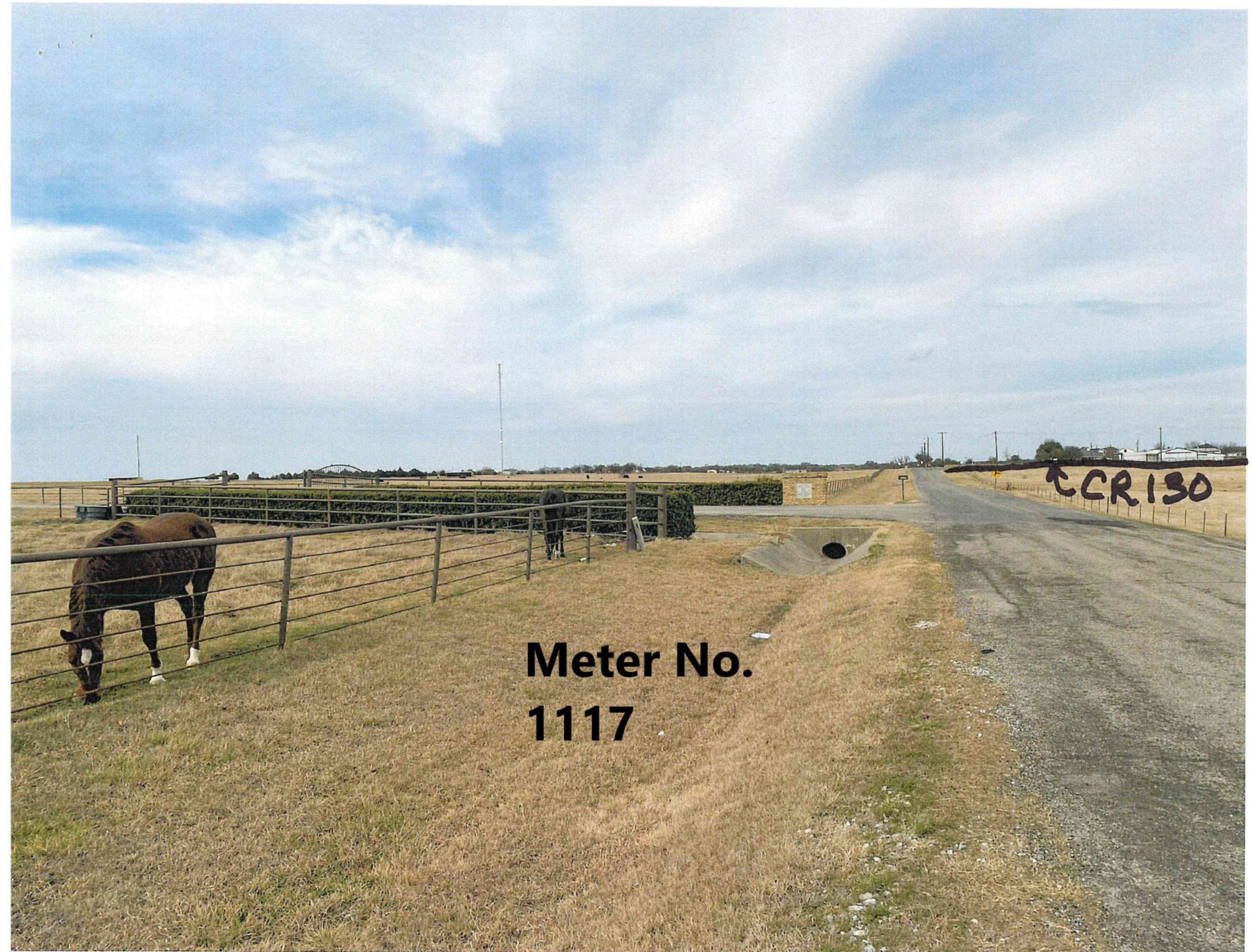
Approximate  
meter location

Meter No.  
1117

Looking North on CR 101  
at back gate/entrance (8525 CR 101)



8



**Meter No.  
1117**

↑ CRISO