



## Filing Receipt

**Received - 2022-04-13 12:12:08 PM**

**Control Number - 52532**

**ItemNumber - 25**

**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 NOTICE OF MAPPING ISSUE**

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 April 4, 2022, the Staff (Staff) of the Public Utility Commission of Texas (Commission) filed a revised recommendation on final disposition. In Staff’s revised recommendation, Staff indicated that there is one single tract of land that is approximately 535.315 acres. Subsequent to that filing, Staff determined, through the analyses and filings occurring in two separate dockets, that there is an issue with the overall tract of land in this docket. In Docket Nos. 52531 and 52533, it was determined that one of the parcels associated with this tract of land needs to be reduced by 5.02 acres.<sup>1</sup> Specifically, the 62.434 acre parcel included in E Real Estate’s first amended petition on December 13, 2022 needs to carve out the 5.02 acres to reflect that E Real Estate only own 57.414 acres with respect to this parcel.<sup>2</sup> Based on a review of the deed, Staff recommends that this change is reflective of the “Less and Except” language included therein.<sup>3</sup>

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<sup>1</sup> *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)*, Docket No. 52531, Petitioner's Supplement to Its First Amended Petition and Response to Order No. 5 (Feb. 18, 2022) and Petitioner's Supplement to Its First Amended Petition and Response to Order No. 6 (Apr. 4, 2022); *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 2)*, Docket No. 52533, Staff's Response to Order No. 5 (Apr. 11, 2022).

<sup>2</sup> Docket No. 52531, Petitioner's Supplement to Its First Amended Petition and Response to Order No. 5, Exhibit C, Detailed Location Map; Docket No. 52533, Staff's Response to Order No. 5

<sup>3</sup> First Amended Petition by E Real Estate, LLC for Expedited Release Pursuant to Texas Water Code Section 13.2541 (Tract 3), Exhibit C-1, Special Warranty Deed (Dec. 13, 2021).

In addition to the issue with the 5.02 acres, it also appears that the tract of land is actually two non-contiguous tracts of land that are separated by County Road 101 (CR 101). Based on Staff's review of E Real Estate's response to Order No. 5 in Docket No. 52533, it appears that the first tract of land includes the parcels to the west of CR 101, while the second tract includes those to the east. Specifically, the first tract would consist of the 275.545 acre parcel and the 43.777 acre parcel, while the second would consist of the 2.5 acre parcel, the 154.059 acre parcel, and the 57.414 acre parcel.<sup>4</sup>

### **I. NOTICE OF MAPPING ISSUE**

In line with Staff's recommendations and requests in response to Order No. 5 in Docket No. 52533, Staff similarly recommends that E Real Estate be required to file revised maps to correct the issue with the 5.02 acres and to confirm that CR 101 bisects the parcels as described above and in Docket No. 52533. Further, given that the revision is to the 62.434 acre parcel that is not requested for release in this docket and that Marilee SUD and E Real Estate have already filed responses and replies in relation to the relevant 43.777 acre and 272.545 acre parcels on which E Real Estate requests portions of each to be released in this docket, Staff respectfully requests that the petition remain administratively complete from a procedural standpoint in this docket. To that end, Staff respectfully recommends and requests that E Real Estate be given a deadline of April 26, 2022 to file the revised maps and that Staff be given a deadline of May 26, 2022 to file a second revised recommendation on final disposition to include a determination whether the revised maps accurately reflect the ownership and acreage amounts for the two tracts of land in this docket.

### **II. CONCLUSION**

For the reasons detailed above, Staff respectfully requests the entry of an order consistent with Staff's recommendations.

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<sup>4</sup> Docket No. 52533, Staff's Response to Order No. 5 (Apr. 11, 2022).

Dated: April 13, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**DOCKET NO. 52532**

**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 April 13, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Scott Miles  
Scott Miles