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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 REQUEST FOR EXTENSION

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 13, 2022, the Staff (Staff) of the Public Utility Commission of Texas (Commission) filed a revised notice of mapping issue, in which Staff requested that E Real Estate be required to file revised maps and that Staff be given a deadline thereafter to file a second revised recommendation on final disposition.

On April 27, 2022, the administrative law judge (ALJ) filed Order No. 10, establishing a deadline of June 3, 2022 for Staff to file a second revised recommendation on final disposition. Therefore, this pleading is timely filed.

I. REQUEST FOR EXTENSION

Under 16 TAC § 22.4(b), Staff may request that the time allowed for filing any documents be extended for good cause. In line with Staff’s most recent request for extension in Docket No. 52533 on May 26, 2022, Staff similarly requests an extension in this docket to first review the revised maps for administrative completeness before filing a second revised recommendation on final disposition. Through miscommunication with Staff’s mapping expert, Staff erroneously did not include a deadline for this procedural step. As such, Staff’s mapping expert has not yet been able to review the revised maps filed by E Real Estate on April 28, 2022. Therefore, Staff respectfully requests an extension until June 17, 2022 to file a recommendation on the administrative completeness of the petition, as supplemented with revised mapping on April 28, 2022. Staff also respectfully requests an extension until 21 days after an order finding the

supplemented petition administratively complete for Staff to file a second revised recommendation on final disposition. Given that the revised mapping does not affect the actual area being released in this docket, Staff recommends that it is not necessary for Marilee SUD, E Real Estate, and Staff to supplement the arguments previously filed in this docket by Marilee SUD on February 3, 2022 and February 10, 2022,¹ by E Real Estate on February 24, 2022, February 28, 2022, and March 18, 2022,² and by Staff on March 3, 2022 and April 4, 2022.³ Staff notes that the intent of Staff's second revised recommendation on final disposition is to solely provide an updated amount of acreage that is owned by E Real Estate, while the amount of acreage to be released remains unchanged. Staff has conferred with counsel for E Real Estate and counsel for Marilee SUD and is authorized to state that both are unopposed to Staff's request for further processing of this docket.

II. CONCLUSION

For the reasons detailed above, Staff respectfully requests the entry of an order establishing a deadline of June 17, 2022 for Staff to file a recommendation on the administrative completeness of the petition, as supplemented with revised mapping on April 28, 2022, and a deadline of 21 days after an order finding the petition, as supplemented with revised mapping, administratively complete to file a second revised recommendation on final disposition.

¹ Marilee Special Utility District's Verified Response and Motion to Dismiss (Feb. 3, 2022) and Letter filing supplemental affidavit (Feb. 10, 2022).

² E Real Estate, LLC's Reply to Marilee SUD's Verified Response, Motion to Dismiss and Commission Staff's Recommendation on Final Disposition (Feb. 24, 2022), Letter Supplementing Affidavit (Feb. 28, 2022), and E Real Estate, LLC's Response to Order No. 8 (Mar. 18, 2022).

³ Commission Staff's Response to Order No. 7 and Notice of Intent to Change Recommendation to Standard Procedural Schedule for Streamlined Expedited Release Dockets (Mar. 3, 2022) and Commission Staff's Revised Recommendation on Final Disposition (Apr. 4, 2022).

Dated: June 2, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
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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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 June 2, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Scott Miles
Scott Miles