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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 ADMINISTRATIVE
COMPLETENESS OF THE REVISED MAPS**

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 28, 2022, E Real Estate filed revised maps.

On June 2, 2022, the administrative law judge (ALJ) filed Order No. 11, establishing a deadline of June 17, 2022 for Staff to file a second revised recommendation on final disposition or to recommend that the administrative completeness determination in Order No. 5 be withdrawn. Therefore, this pleading is timely filed.

I. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition, as supplemented with revised mapping, and, as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that the revised maps are administratively complete. Given that the previous mapping did not accurately correlate to the amount of acreage owned by E Real Estate, as evidenced in the deed to the petition, Staff recommends that the petition was not technically administratively complete and that Staff’s previous recommendation on administrative completeness was in error. As such, Staff also recommends that the ALJ’s subsequent ruling on administrative completeness in Order No. 5 was in error.

However, in line with Staff's notice of the mapping issue on April 13, 2022, because the required revised mapping does not affect the actual area being released in this docket, Staff continues to recommend that the petition remain administratively complete from a procedural standpoint. Importantly, although not communicated in Staff's notice of the mapping issue, Staff's recommendation on the procedural standpoint of this docket is solely based on Staff's recommendation 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 Whether the ALJ deems it necessary or not to withdraw the previous determination on administrative completeness, Staff requests that Staff be given a deadline of June 27, 2022 to file its second revised recommendation on final disposition. As previously discussed in Staff's request to extend the deadline for this filing, E Real Estate and Marilee SUD are unopposed to this 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 27, 2022 for Staff 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 17, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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

/s/ Scott Miles
Scott Miles

Public Utility Commission of Texas

Memorandum

TO: Scott Miles, Attorney
Legal Division

FROM: Patricia Garcia, Infrastructure Analyst
Infrastructure Division

DATE: June 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)*

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 submitted a sworn affidavit attesting that the property was not receiving water service from Marilee SUD and a warranty deed confirming E Real Estate's ownership of the tract of land.

Based on the mapping review by Tracy Montes, Infrastructure Division, the maps and digital data submitted with Item 29 on April 28, 2022 are sufficient. Staff confirms that the petitioner's detailed map indicates that County Road (CR) 101 divides the landowner's total property with 530.295 acres into two non-contiguous tracts of land, each of which meet the 25-acre requirement. According to the deed acreages, the tract located on the west of CR 101 includes 316.322 acres and is partially included in the petitioner's request for streamlined expedited release. The tract located on the east of CR 101 includes 213.973 acres and is not included in the petitioner's request for streamlined expedited release. 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).

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Marilee SUD on the date the petition was filed with the Commission.

Based on the mapping review by Ms. Montes and my technical and managerial review of the additional information provided by E Real Estate on April 28, 2022, I recommend the petition be deemed administratively complete and accepted for filing.