



## Filing Receipt

**Received - 2022-06-27 10:20:02 AM**

**Control Number - 52532**

**ItemNumber - 34**

**DOCKET NO. 52532**

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

**COMMISSION STAFF'S SECOND REVISED 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 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. 12, establishing a deadline of June 27, 2022 for Staff to file a second revised recommendation on final disposition. Therefore, this pleading is timely filed.

**I. RECOMMENDATION ON FINAL DISPOSITION**

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 petition, as supplemented with revised mapping, be approved. Staff also re-urges its arguments made in Staff's first revised recommendation on final disposition that was filed on April 4, 2022. Further, the revised final water CCN map and certificate are attached to this filing. Staff recommends that the revised final map and certificate be provided to Marilee SUD and for Marilee SUD to file a certified copy of the CCN map and a boundary description of the CCN service area in the Collin County Clerk's office, as required under TWC § 13.257(r)-(s).

## II. CONCLUSION

For the reasons detailed above, Staff recommends that the petition, as supplemented with revised mapping, be approved and respectfully requests the entry of an order consistent with this recommendation.

Dated: June 27, 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

**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 June 27, 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 Analysis Section Director  
Infrastructure Division

**DATE:** June 27, 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.

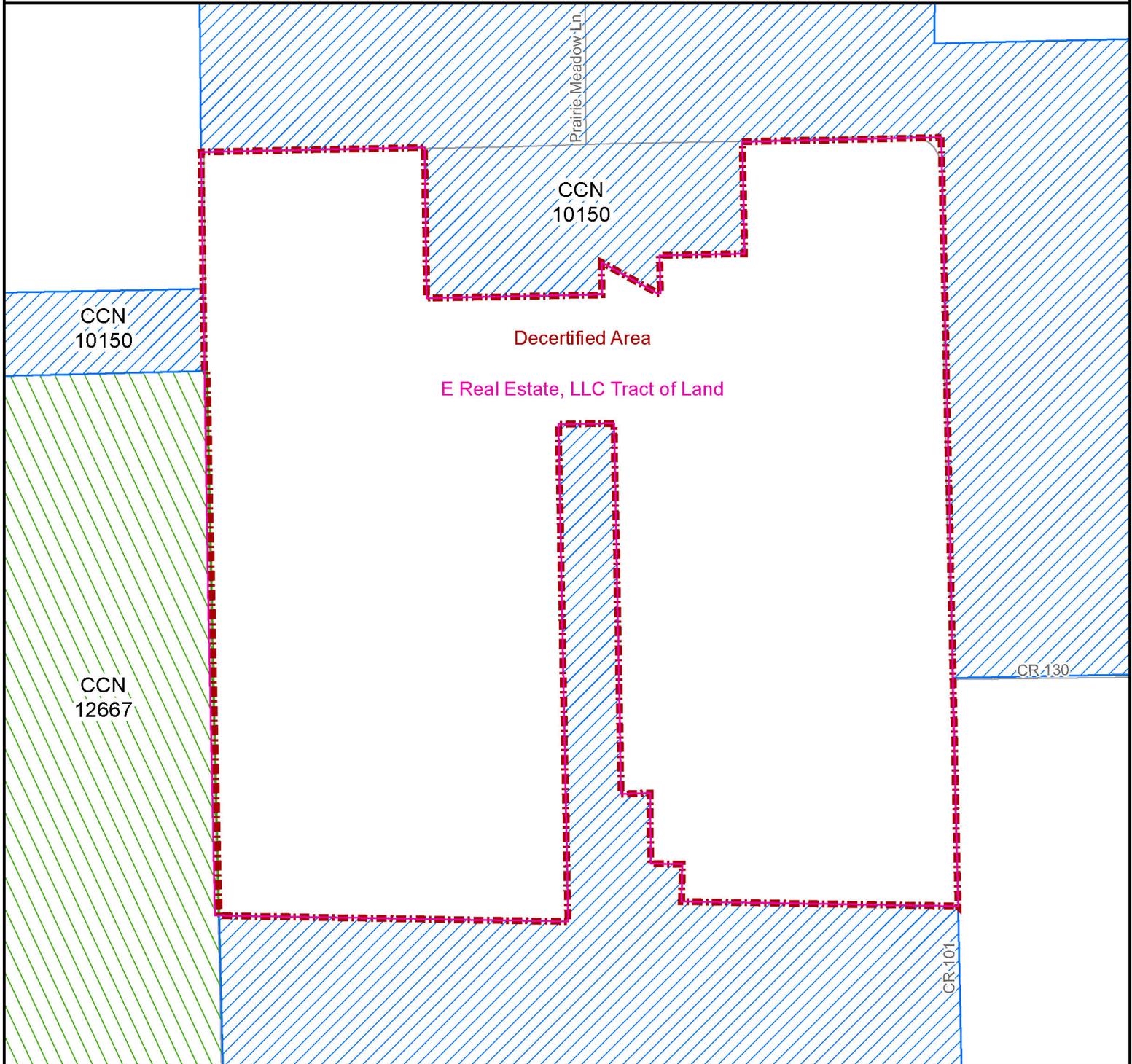
E Real Estate provided a warranty deed confirming ownership of the tract of land within Marilee SUD's certificated service area. In addition, E Real Estate submitted a sworn affidavit attesting that the tract of land was not receiving water service from the CCN holder. Marilee SUD requested to intervene.

Based on the mapping review by Tracy Montes, Infrastructure Division, it was determined the landowner's total property is approximately 530.295 acres and is divided by County Road (CR) 101 into two non-contiguous tracts of land, each of which meet the 25-acre requirement. 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.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), E Real Estate has 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 approval of the petition. Enclosed is a final map and certificate for Commission approval.

Additionally, I recommend that a final map and certificate be provided to the CCN holder.

Marilee Special Utility District  
Portion of Water CCN No. 10150  
PUC Docket No. 52532  
Petition by E Real Estate, LLC to Amend  
Marilee Special Utility District's CCN by Streamlined Expedited Release in Collin County



**Water CCN**

-  10150 - Marilee SUD
-  12667 - City of Celina

-  Decertified Area
-  Tract of Land





# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Marilee Special Utility District**

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Marilee Special Utility District is entitled to this

### **Certificate of Convenience and Necessity No. 10150**

to provide continuous and adequate water utility service to that service area or those service areas in Collin and Grayson Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52532 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Marilee Special Utility District to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.