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Received - 2021-11-23 09:56:19 AM
Control Number - 52532
ItemNumber - 9

DOCKET NO. 52532

PETITION OF E REAL ESTATE, LLC	§	PUBLIC UTILITY COMMISSION
TO AMEND MARILEE SPECIAL	§	
UTILITY DISTRICT' S CERTIFICATE	§	OF TEXAS
OF CONVENIENCE AND NECESSITY	§	
IN COLLIN COUNTY BY EXPEDITED	§	
RELEASE (TRACT 3)	§	

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND NOTICE**

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) number 10150 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). E Real Estate asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Collin County, which is a qualifying county.

On October 8, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of November 25, 2021¹ for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation the administrative completeness of the petition and notice and to propose a procedural schedule. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and, as detailed in the attached memorandum from Pai Liu, Infrastructure Division, recommends that the petition is administratively incomplete. Staff further recommends that E Real Estate be ordered to cure the deficiencies identified in Ms. Liu's memorandum by December 13, 2021 and that Staff be given a deadline of January 13, 2022 to file a second supplemental recommendation. Staff respectfully requests adoption of these proposed deadlines as some of the noted deficiencies are related to mapping information and Staff's mapping experts may be required to assist E Real Estate regarding the supplemental mapping information needed to cure the mapping deficiencies and will require at least thirty days to review same.

¹ November 25, 2021 is a holiday. Therefore, under 16 TAC § 22.4(a), the deadline advances to the next day the Commission is open for business, which is Monday, November 29, 2021.

II. PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of the docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation that the petition be found administratively complete.

III. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively incomplete, that E Real Estate be ordered to file supplemental information to cure the deficiencies in the petition by December 13, 2021, and that Staff be given a deadline of January 13, 2022 to file a second supplemental recommendation on the administrative completeness of the petition and notice and to propose a procedural schedule. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: November 23, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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/s/ Scott Miles
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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 November 23, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles

Public Utility Commission of Texas

Memorandum

TO: Scott Miles, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: November 23, 2021

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 Streamlined 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.

Based on the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review of the additional information provided by E Real Estate on October 8, 2021 and November 4, 2021, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

Mapping Content:

The revised maps and digital mapping data submitted on October 8, 2021 and November 4, 2021 are deficient.

E Real Estate must submit the following items to resolve the mapping deficiencies:

- A revised general location map identifying the tract of land, in reference to the nearest county boundary, city, or town. The general location map should only include:
 - The portion of tract to be released.
- A revised detailed map identifying the tract of land, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads. The detailed map should identify the following:
 - The entire tract that includes each tract conveyed by each deed owned by E Real Estate (identify the outer boundary of each individual tract and label each with its corresponding deed); and
 - The outer boundary of the portion of tract to be released.

- Digital mapping data for the tract of land, as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD 83 Texas Statewide Mapping System (Meters) or NAD 83 Texas State Plane Coordinate System (US Feet). Include the following digital mapping data for the tract of land:

- The entire tract that includes each tract conveyed by each deed owned by E Real Estate (label with deeds and include acreage in shapefile); and
- The outer boundary of the portion of tract to be released.

Staff recommends that E Real Estate obtain additional mapping guidance from the PUC's mapping staff, Ms. Tracy Montes by email at tracy.montes@puc.texas.gov to resolve the mapping deficiencies.