



Filing Receipt

Received - 2022-04-11 12:44:49 PM

Control Number - 52533

ItemNumber - 17

DOCKET NO. 52533

| | | |
|--------------------------------------|----------|----------------------------------|
| PETITION OF E REAL ESTATE TO | § | PUBLIC UTILITY COMMISSION |
| AMEND MARILEE SPECIAL UTILITY | § | |
| DISTRICT' S WATER CERTIFICATE | § | OF TEXAS |
| OF CONVENIENCE AND NECESSITY | § | |
| IN COLLIN COUNTY BY EXPEDITED | § | |
| RELEASE (TRACT 2) | § | |

STAFF’S RESPONSE TO ORDER NO. 5

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, not receiving water service, and located in Collin County, which is a qualifying county. E Real Estate filed supplemental information on October 8, 2021, November 4, 2021, and filed a first amended petition on December 13, 2021. On March 10, 2022, Marilee SUD filed a verified response. On April 4, 2022, E Real Estate filed a response to Order No. 5.

On March 28, 2022, the administrative law judge (ALJ) filed Order No. 5 requesting a clarification from the Staff (Staff) of the Public Utility Commission of Texas (Commission) regarding the 154.059 acre parcel of land in this petition. The ALJ established a deadline of April 11, 2022, for Staff to file a response and possible revised final recommendation. Therefore, this pleading is timely filed.

I. STAFF’S CLARIFICATION RESPONSE TO ORDER NO. 5

In its response to Order No. 5, E Real Estate seems to indicate there are 2 non-contiguous tracts of land in this docket. The first tract of land includes the 275.545 acre parcel and the 43.777 acre parcel. Specifically, E Real Estate stated these parcels were separated from the other parcels by County Road 101 (CR 101). The second tract of land in this docket, per E Real Estate’s response, includes all the parcels to the east of CR 101, which would be the 2.5 acre parcel, the 154.059 acre parcel, and the 62.434 acre parcel. Therefore, based on E Real Estate’s response and Staff’s review, Staff intends to file a revised final recommendation to account for these two non-contiguous tracts. However, upon further review of this docket, Staff has found mapping

deficiencies that need to be addressed by E Real Estate. Specifically, the revised maps need to account for a 5.02 acre reduction in the 62.434 acre parcel to 57.414 acres based on the language of the associated deed. This same issue occurred in Docket 52531 and E Real Estate has since cured the issue in that docket.¹ Staff respectfully recommends that E Real Estate be required to file revised maps to correct this issue. As revised mapping needs to be submitted by E Real Estate, Staff respectfully requests a deadline for E Real Estate to provide corrected maps as well as a deadline for Staff to file a revised response after analysis of the revised map submittal. 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 has already filed a verified response to the petition in relation to the relevant 154.059 acre parcel requested for release, Staff respectfully requests that the petition remain administratively complete from a procedural standpoint in this docket.

II. REQUEST FOR EXTENSION AND OTHER DEADLINES

Based on Staff's recommendation for revised maps from E Real Estate, Staff respectfully requests a deadline April 26, 2022, for E Real Estate to provide revised maps. Staff further requests a deadline of May 26, 2022, for Staff to file a revised final recommendation for this docket.

II. CONCLUSION

Staff respectfully requests an order consistent with the forgoing.

¹ *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).

Dated: April 11, 2022

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

Marisa Lopez Wagley
Managing Attorney

/s/ Andy Aus
Andy Aus
State Bar No. 24077782
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7292
(512) 936-7268 (facsimile)
andy.aus@puc.texas.gov

DOCKET NO. 52533

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 via electronic mail on April 11, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Andy Aus
Andy Aus