



## Filing Receipt

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**DOCKET NO. 52533**

<b>PETITION OF E REAL ESTATE TO</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>AMEND MARILEE SPECIAL UTILITY</b>	<b>§</b>	
<b>DISTRICT' S WATER 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 2)</b>	<b>§</b>	

**COMMISSION STAFF’S THIRD 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) 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, 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. E Real Estate also filed revised mapping on April 20, 2022.

On February 18, 2022, the administrative law judge (ALJ) filed Order No. 4, establishing a deadline of March 24, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on final disposition. On March 28, 2022, the ALJ filed Order No. 5, requiring clarification and on April 11, 2022, the ALJ filed Order No. 6 requiring revised mapping. All leading to Order No. 7, filed by the ALJ on May 27, 2022, establishing a new deadline of June 2, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on administrative completeness of the petition and notice, and to propose a procedural schedule. In light of procedural history, supplemental filings and mappings, and Order No. 7, establishing new deadlines, Staff’s original recommendation on administrative completeness of the petition and notice, filed on March 24, 2022, is improper and/or invalid. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition and supplemental information including revised mapping filed on April 20, 2022, and, as detailed in the attached memorandum from Jolie Mathis,

Infrastructure Division, recommends that the petition, as supplemented with revised mapping, is administratively complete. Staff’s recommendation on administrative completeness is not a comment on the merits of the petition.

**II. NOTICE SUFFICIENCY**

Under 16 TAC § 24.245(h)(3)(f), a landowner seeking streamlined expedited release must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition to the Commission. E Real Estate stated that it mailed a copy of its petition to the CCN holder, Marilee SUD, by certified mail on the day the petition was filed with the Commission. Accordingly, Staff recommends that the notice is sufficient.

**III. REVISED PROCEDURAL SCHEDULE**

Under 16 TAC § 24.245(h)(7), there is an expedited deadline of 60 days for approval of the requested release that begins once the ALJ issues an order finding a petition administratively complete. Staff recommends that the petition be found administratively complete. Therefore, Staff proposes the following procedural schedule and requests that the ALJ populate the deadlines accordingly when the ALJ issues that order.

Event	Date
Deadline for Marilee SUD and intervenors to file a response to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for Staff’s supplemental recommendation on final disposition	34 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a reply to both Marilee SUD’s response and Staff’s supplemental recommendation on final disposition	41 days from the date of the order finding the petition administratively complete
Sixty-day administrative approval of streamlined expedited release	60 days from the date of the order finding the petition administratively complete
<b><i>In the event streamlined expedited release is granted and petitioner and Marilee SUD can select an agreed-upon appraiser</i></b>	
Deadline for petitioner and Marilee SUD to make a filing stating that they have selected an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release

Deadline for appraiser's report	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to Marilee SUD	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to Marilee SUD	Within 90 days of the Commission's final order on compensation
<b><i>In the event streamlined expedited release is granted and petitioner and Marilee SUD are unable to select an agreed-upon appraiser</i></b>	
Deadline for petitioner and Marilee SUD to make a filing stating that they have been unable to select an agreed-upon appraiser and affirming that they will pay half of the cost of Commission Staff's appraiser <sup>1</sup>	Within 10 days after the Commission approves streamlined expedited release <sup>2</sup>
Deadline for reports from petitioner's appraiser and Marilee SUD's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to Marilee SUD	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to Marilee SUD	Within 90 days of the Commission's final order on compensation

#### IV. CONCLUSION

For the reasons detailed above, Staff recommends that the petition, as supplemented, be found administratively complete, that the notice be found sufficient, and that the proposed revised procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

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<sup>1</sup> TWC § 13.2541(i).

<sup>2</sup> It is critical for Staff to know as soon as possible after the Commission grants the petition whether Staff needs to secure the services of a third appraiser. If the petitioner and CCN holder are unable to agree, and fail to make this filing, Staff may need additional time to file its appraiser's report.

Dated: June 2, 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 2, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Andy Aus  
Andy Aus

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Andrew Aus, Attorney  
Legal Division

**FROM:** Jolie Mathis, Utility Engineering Specialist  
Infrastructure Division

**DATE:** June 2, 2022

**RE:** Docket No. 52533 – *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 2)*

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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 tract of land was not receiving water service from Marilee SUD and a warranty deed confirming ownership of the landowner's total property. E Real Estate included 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 Tracy Montes, Infrastructure Division, the maps and digital data submitted with Item 20 on April 20, 2022 are sufficient. The petitioner's response submitted with Item 16 on April 4, 2022 indicates that County Road (CR) 101 divides the landowner's total property. Staff confirms the landowner's total property is 530.295 acres that is divided 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 not 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 included in the petitioner's request for streamlined expedited release. The petitioner is only seeking the release of 154.08 acres, a portion of the tract of land, of which approximately 154 acres overlap Marilee SUD (CCN No. 10150) and would be decertified from CCN No. 10150.

Based on my technical and managerial review and the mapping review by Tracy Montes of the information provided by E Real Estate on April 20, 2022, I recommend the petition be deemed administratively complete and accepted for filing.