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DOCKET NO. 52533

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 2)	§	

MARILEE SPECIAL UTILITY DISTRICT’S MOTION TO INTERVENE

COMES NOW, MARILEE SPECIAL UTILITY DISTRICT (“Marilee”) and files this Motion to Intervene in response to Petitioner E Real Estate LLC’s Petition for Expedited Release Pursuant to Texas Water Code § 13.2541 that initiated this docket (“Petition”). The Petition seeks to use the Public Utility Commission’s (the “Commission”) streamlined expedited release process, found at Texas Water Code (“TWC”) § 13.2541, to extract approximately 154.08 acres of Property (“Property”) from the water utility service area Marilee serves under Certificate of Convenience and Necessity (“CCN”) No. 10150 in Collin County, Texas.

In support of this motion, Marilee respectfully shows as follows:

1. On September 8, 2021, Petitioner filed a Petition for streamlined expedited release to decertify the Property from Marilee’s certificated water service territory, CCN No. 10150, pursuant to TWC § 13.2541 and 16 TAC § 24.245(h).¹
2. The Petition alleges that the Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Collin County.²
3. Should the Petition be granted, Marilee will be deprived of its exclusive right to provide retail water utility service to the particular area of Marilee’s water CCN No. 10150 that includes the Property.³

¹ Petition at 1 (Aug. 31, 2021).

² *Id.* at 2.

³ TWC § 24.225(a).

4. Therefore, Marilee seeks to participate in this proceeding as an Intervenor. The Commission's rules define who can intervene:

A person has standing to intervene if that person:

(1) has a right to participate which is expressly conferred by statute, commission rule or order or other law; or

(2) has or represents persons with a justiciable interest which may be adversely affected by the outcome of the proceeding.⁴

5. Marilee has a right to participate in this proceeding. Marilee has a justiciable interest in maintaining its CCN areas and protecting its investments in its infrastructure that may be adversely affected by the outcome of this proceeding. Therefore, Marilee requests party status to allow it to continue to argue and respond to substantive issues raised in this proceeding, including but not limited to the determination of property rendered useless or valueless. The staff and consulting engineer of Marilee are currently investigating and verifying the water facilities of Marilee.
6. Because Marilee has a justiciable interest which may be adversely affected by the outcome of the proceeding, the Commission should grant Marilee party status as an Intervenor.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Marilee respectfully requests that the Commission grant its Motion to Intervene to make it a party to this proceeding, and grant Marilee any further relief to which Marilee is justly entitled.

⁴ 16 TAC § 22.103(B).

Respectfully submitted,



John J. Carlton
State Bar No. 03817600
Grayson E. McDaniel
State Bar No. 24078966
The Carlton Law Firm P.L.L.C.
4301 Westbank Drive, Suite B-130
Austin, Texas 78746
(512) 614-0901
Fax (512) 900-2855
john@carltonlawaustin.com
grayson@carltonlawaustin.com

ATTORNEYS FOR MARILEE SPECIAL
UTILITY DISTRICT

CERTIFICATE OF SERVICE

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail Return Receipt Requested to all parties on this 1st day of October 2021.

