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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)	§	

**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. E Real Estate filed supplemental information on October 8, 2021 and November 4, 2021.

On October 11, 2021, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of December 8, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on sufficiency of the petition and notice and propose a procedural schedule. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and supplemental information, and, as detailed in the attached memorandum from Jolie Mathis, Infrastructure Division, recommends that the petition remains administratively incomplete. Staff further recommends that E Real Estate be ordered to cure the deficiencies identified in Ms. Mathis' memorandum by January 7, 2022 and that Staff be given a deadline of February 17, 2022 to file a supplemental recommendation on the administrative completeness of the petition. 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 30 days to review same.

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 supplemented petition be found administratively incomplete and that E Real Estate be ordered to file supplemental information to cure the deficiencies in the petition by January 7, 2022. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: December 8, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

/s/ Andy Aus
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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 December 8, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Andy Aus
Andy Aus

Public Utility Commission of Texas

Memorandum

TO: Andrew Aus, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: December 8, 2021

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)*

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 information provided by E Real Estate, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

Petition deficiencies may be cured by filing the following:

1. A revised petition indicating E Real Estate owns the entire tract (530.295 acres) and is seeking to release the portion of tract (154.08 acres) from CCN No. 10150.
2. A revised affidavit indicating E Real Estate owns the entire tract (530.295 acres) and is seeking to release the portion of tract (154.08 acres) from CCN No. 10150.

Mapping Content:

Maps submitted on October 8, 2021 and the digital mapping data submitted on November 4, 2021 are deficient.

Petitioner must submit the following items to resolve the mapping deficiencies:

- 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 (five tracts) conveyed by the deed owned by E Real Estate (identify the outer boundary of each individual tract); and
- The outer boundary of the portion of tract to be released.
- Digital mapping data for the tract of land, as a polygon record, in a shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 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 (five tracts) conveyed by the deed owned by E Real Estate; and
 - The portion of tract to be released.

Staff recommends the Petitioner 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.