



Filing Receipt

Received - 2022-03-04 12:56:27 PM

Control Number - 52542

ItemNumber - 23

DOCKET NO. 52542

**PETITION OF MESQUOAKEE RANCH, § PUBLIC UTILITY COMMISSION
LLC TO AMEND MARILEE SPECIAL §
UTILITY DISTRICT'S CERTIFICATE § OF TEXAS
OF CONVENIENCE AND NECESSITY §
IN COLLIN COUNTY BY EXPEDITED §
RELEASE §**

COMMISSION STAFF'S EXCEPTIONS AND CORRECTIONS TO THE PROPOSED ORDER

On February 18, 2022, the Office of Policy and Docket Management (OPDM) filed a Proposed Order and Memorandum requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission), Mesquoakee Ranch, LLC (Mesquoakee Ranch), and Marilee Special Utility District's (Marilee SUD) to file any corrections or exceptions to the Proposed Order on or before March 4, 2022. Therefore, this pleading is timely filed.

I. EXCEPTIONS AND CORRECTIONS

Staff has reviewed the Proposed Order and respectfully proposes the following exceptions and corrections to the Proposed Order:

1. Revise Finding of Fact Nos. 14 and 15 in the *Tract of Land* section and remove Finding of Fact No. 16.
 14. The petitioner owns ~~property~~ a tract of land in Collin County that is approximately 556.5 acres.
 15. The portion of the tract of land for which the petitioner seeks streamlined expedited release ~~is a portion of the petitioner's property that~~ is approximately 554.5 acres and is located within the CCN holder's certificated service area.
 16. ~~The tract of land is located within the CCN holder's certificated service area.~~
2. Revise Conclusion of Law No. 10.
 10. The petitioner owns the tract of land that is at least 25 acres, and the petitioner for ~~which it~~ seeks streamlined expedited release of a portion of the tract of land through the petition.

3. Revise Finding of Fact No. 21 in the *Ownership of the Tract of Land* section.
 21. The petitioner acquired the remainder, an approximately ~~347.582-acre~~ 347.852-acre portion by a warranty deed dated April 5, 2016.

In Docket No. 52639, along with Staff's recommendation on final disposition, Staff requested the entry of a proposed order for the Commission's review, such that Staff would be given an opportunity to file exceptions, specifically to address concerns that Staff had with how the term *tract of land* would be used in the orders granting streamlined expedited release after the Commission had filed memoranda providing guidance on the use of the term.¹ Specifically, Staff wanted to ensure that the use of the term *tract of land* within the orders granting streamlined expedited release complied with Commission precedent and the Commission's interpretations of Texas Water Code § 13.2541(b) and 16 Texas Administrative Code § 24.245(h)(1). Although OPDM has filed proposed orders in numerous other streamlined expedited release dockets since this request by Staff in Docket No. 52639, Staff has not taken the opportunity to address its concerns yet, as Staff was waiting for the proposed order in Docket No. 52639, which is still pending as of the date of this pleading. However, recently it appears that OPDM might be changing how it uses the term *tract of land* that addresses Staff's concerns. Specifically, in Docket Nos. 52698 and 52642, OPDM respectively filed a proposed order² and order granting streamlined expedited release³ on February 28, 2022 and March 1, 2022, using the phrasing and language that Staff proposes be used with respect to the first two items above. As such, Staff recommends that the Proposed Order be revised to follow what has recently been adopted by OPDM in the Findings of Fact in the *Tract of Land* section, as well as the Conclusion of Law referenced above. Additionally, Staff recommends that the Proposed Order be revised to correct the typographical error notated in the third item above.

¹ *Petition Of CR Farms, LLC to Amend Tarkington Special Utility District's Certificate of Convenience and Necessity in Liberty County by Expedited Release*, Docket No. 52639, Commission Staff's Recommendation on Final Disposition and Request for Proposed Order (Jan. 20, 2022).

² *Petition of Crossland Construction Company, Inc. to Amend Bolivar Water Supply Corporation's Certificate of Convenience and Necessity in Denton County by Expedited Release*, Docket No. 52698, Proposed Order and Memorandum, Proposed Finding of Fact Nos. 11 and 12 and Conclusion of Law No. 10 (Feb. 28, 2022).

³ *Petition of CR Farms, LLC to Amend Quadvest, L.P.'s Certificates of Convenience and Necessity in Liberty County by Expedited Release*, Docket No. 52642, Order No. 6 Granting Streamlined Expedited Release, Finding of Fact Nos. 13, 14, and 15 and Conclusion of Law No. 11 (Mar. 1, 2022).

II. CONCLUSION

Staff respectfully recommend that the Proposed Order be revised in accordance with the exceptions and corrections proposed above.

Dated: March 4, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

Sneha Patel
Managing Attorney

/s/ Scott Miles
Scott Miles
State Bar No. 24098103
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7228
(512) 936-7268 (facsimile)
Scott.Miles@puc.texas.gov

DOCKET NO. 52542

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 March 4, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles