



Filing Receipt

Received - 2021-10-28 02:50:51 PM

Control Number - 52653

ItemNumber - 5

DOCKET NO. 52653

| | | |
|---------------------------------------|----------|----------------------------------|
| PETITION OF ELAND ENERGY, INC. | § | PUBLIC UTILITY COMMISSION |
| TO AMEND MARILEE SPECIAL | § | |
| UTILITY DISTRICT’S CERTIFICATE | § | OF TEXAS |
| OF CONVENIENCE AND NECESSITY | § | |
| IN COLLIN COUNTY BY EXPEDITED | § | |
| RELEASE | § | |

**COMMISSION STAFF’S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND NOTICE**

On September 28, 2021, Eland Energy, Inc. (Eland Energy) 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). Eland Energy 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. On October 12, 2021 Marilee Special Utility District filed a motion to intervene.

On October 6, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of October 28, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file comments regarding the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and as detailed in the attached memorandum from Pai Liu, Infrastructure Division, recommends that the petition is administratively incomplete. Staff further recommends that Eland Energy be ordered to cure the deficiencies identified in Ms. Liu’s memorandum by November 12, 2021 and that Staff be given a deadline of December 10, 2021 to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully requests adoption of these proposed deadlines as the noted deficiencies are related to mapping information and Staff’s mapping experts may be required to assist Eland Energy regarding the supplemental mapping information needed to cure the mapping deficiencies and will require at least thirty days to review same.

II. RECOMMENDATION ON NOTICE

Commission Staff recommends that Eland Energy's notice is sufficient and meets the requirements of 16 TAC § 24.245(h)(3)(F).

III. 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.

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively incomplete and that Eland Energy's be ordered to file supplemental information to cure the deficiencies in the petition by November 12, 2021. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: October 28, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

/s/ Kourtnee Jinks

Kourtnee Jinks
State Bar No. 24097146
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7265
(512) 936-7268 (facsimile)
kourtnee.jinks@puc.texas.gov

DOCKET NO. 52653

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 October 28, 2021, in accordance with the Order Suspending Rules issued in Project No. 50664.

/s/ Kourtnee Jinks

Kourtnee Jinks

Public Utility Commission of Texas

Memorandum

TO: Kourtnee Jinks, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: October 28, 2021

RE: Docket No. 52653 – *Petition of Eland Energy, Inc. to Amend Marilee Special Utility District’s Certificate of Convenience and Necessity in Collin County by Expedited Release*

On September 28, 2021, Eland Energy, Inc. (Eland Energy) 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). Eland Energy 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 Gary Horton, Infrastructure Division, and my technical and managerial review of the information provided by Eland Energy, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

Mapping Content:

Maps submitted with Item 1 on September 28, 2021 are deficient. Eland Energy needs to file digital data (shapefile) matching the requested area shown on the maps and listed in the deeds. Based on the maps provided, the requested area appears to be non-contiguous, with the two southern pieces failing to meet the 25-acre requirement on their own.

Eland Energy must submit the following item to resolve the mapping deficiencies:

Eland Energy must submit the following items to resolve the mapping deficiencies:

- A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.
- A detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Digital mapping data for the requested area, as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet); OR metes and

bounds survey sealed or embossed by either a licensed state surveyor or a registered professional land surveyor.

Please file full size pdfs of the maps filed on pages 29-32 in Item 1 on September 28, 2021.

Staff will need at least 30 days to review the documentation, maps, and digital data provided by Eland Energy and draft a recommendation.

Staff requests that Alton obtain additional mapping guidance from the Commission's mapping Staff, Mr. Gary Horton at (512) 936-7146 or gary.horton@puc.texas.gov, for assistance in resolving the mapping deficiencies detailed above.