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Received - 2021-12-10 02:59:05 PM

Control Number - 52653

ItemNumber - 8

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 SUPPLEMENTAL RECOMMENDATION ON SUFFICIENCY OF PETITION AND PROCEDURAL SCHEDULE

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 SUD filed a motion to intervene. Eland Energy filed supplemental information on November 9, 2021.

On October 29, 2021, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of December 10, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file a supplemental recommendation on sufficiency of the petition and propose a procedural schedule. Therefore, this pleading is timely filed.

I. SUPPLEMENTAL RECOMMENDATION ON SUFFICIENCY

Staff has reviewed the supplemented petition and, as detailed in the attached memorandum of Pai Liu, Infrastructure Division, recommends that the petition be found administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

II. 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 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 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
<i>In the event streamlined expedited release is granted and petitioner and Marilee SUD can select an agreed-upon appraiser</i>	
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 Eland Energy	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
<i>In the event streamlined expedited release is granted and petitioner and Marilee SUD are unable to select an agreed-upon appraiser</i>	
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 ¹	Within 10 days after the Commission approves streamlined expedited release ²
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

¹ TWC § 13.2541(i).

² 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.

III. CONCLUSION

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

Dated: December 10, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

/s/ Kourtnee Jinks
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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 via electronic mail on December 10, 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: December 2, 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.

Eland Energy submitted a sworn affidavit attesting that the property was not receiving water service from Marilee SUD and a warranty deed confirming Eland Energy’s ownership of the tract of land. Based on the mapping review by Gary Horton, Infrastructure Division, the maps submitted with Item 7 on November 9, 2021 are sufficient for determining the location of the tracts of land considered for streamlined expedited release are located within Marilee SUD’s water CCN.

Based on the mapping review by Mr. Horton it was determined the three tracts of land acres are non-contiguous and are approximately 33 acres (northwest tract), approximately 1 acre (southwest tract), and approximately 15 acres (southeast tract). The area to be released from Marilee SUD (CCN No. 10150) is approximately 33 acres. Based on the maps provided, the requested area is comprised of three non-contiguous tracts, with the northwest tract (approximately 33 acres) meeting the 25-acre requirement, the southwest tract (approximately 1 acre) failing to meet the 25-acre requirement, and the southeast tract (approximately 15 acres) also failing to meet the 25-acre requirement.

The petition also includes 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 Gary Horton, Infrastructure Division, and my technical and managerial review of the additional information provided by Eland Energy on November 9, 2021, I recommend the petition be deemed administratively complete and accepted for filing.