



Filing Receipt

Received - 2022-05-13 11:08:33 AM

Control Number - 52739

ItemNumber - 31

DOCKET NO. 52739

**PETITION OF SATER, L.P TO AMEND
MARILEE SPECIAL UTILITY
DISTRICT'S CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
COLLIN COUNTY BY EXPEDITED
RELEASE**

§
§
§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF’S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND NOTICE OF THE SECOND AMENDED PETITION**

On October 20, 2021, Sater, L.P. (Sater) filed a petition for streamlined expedited release from Marilee Special Utility District’s (Marilee SUD) water Certificate of Convenience and Necessity (CCN) No. 10150 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). On March 10, 2022, Sater filed an unopposed motion for extension of time to file a second amended petition and revised mapping. On March 10, 2022, the administrative law judge (ALJ) filed Order No. 9, withdrawing the previous finding of administrative completeness and granting Sater’s extension request. On March 22, 2022 and March 23, 2022, Sater filed a second amended petition and a signed affidavit in support of the second amended petition. Sater asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Collin County, Texas, which is a qualifying county. In Order No. 9, the ALJ also established a deadline of April 22, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation regarding the administrative completeness of the second amended petition. On April 21, 2022, Staff filed a request for an extension. On April 27, 2022, the ALJ filed Order No. 10, granting Staff’s request for an extension and establishing a deadline of May 13, 2022 for Staff to file a recommendation regarding the administrative completeness of the second amended petition. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the second amended petition and, as detailed in the attached memorandum from Jolie Mathis, Infrastructure Division, recommends that the second amended petition is administratively complete. Staff’s recommendation on administrative completeness is not a comment on the merits of the petition.

II. NOTICE SUFFICIENCY

Under 16 TAC § 24.245(h)(3)(f), a landowner seeking streamlined expedited release must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition to the Commission. Sater stated that it mailed a copy of its second amended petition to the CCN holder, Marilee SUD, by certified mail on the day the second amended petition was filed with the Commission. Accordingly, Staff recommends that the notice is sufficient.

III. PROPOSED 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 second amended petition	20 days from the date of the order finding the second amended petition administratively complete
Deadline for petitioner to file a reply to Marilee SUD's response	27 days from the date of the order finding the second amended petition administratively complete
Deadline for Staff's recommendation on final disposition	41 days from the date of the order finding the second amended petition administratively complete
Sixty-day administrative approval of streamlined expedited release	60 days from the date of the order finding the amended 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 Marilee SUD	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

IV. CONCLUSION

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

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.

Dated: May 13, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
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. 52739

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 May 13, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles

Public Utility Commission of Texas

Memorandum

TO: Scott Miles, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: May 13, 2022

RE: Docket No. 52739 – *Petition of Sater, LP to Amend Marilee Special Utility District's Certificate of Convenience and Necessity in Collin County by Expedited Release*

On October 20, 2021, Sater, L.P. (Sater) 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). On March 22, 2022 and March 23, 2022, Sater filed a second amended petition and a signed affidavit in support of the second amended petition. Sater 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.

Sater submitted a sworn affidavit attesting that the property was not receiving water service from Marilee SUD and a warranty deed confirming Sater's ownership of the tract of land. Based on the mapping review by Tracy Montes, Infrastructure Division, the maps submitted with Item 27 on March 22, 2022 are sufficient.

The landowner's total property is approximately 300 acres. The tract of land in the petition for streamlined expedited release is approximately 265.5 acres, of which approximately 265.5 acres overlap Marilee SUD (CCN No. 10150) and would be decertified from CCN No. 10150.

The petition also includes a statement indicating a copy of the second amended petition was sent via certified mail to Marilee SUD on the original date the second amended petition was filed with the Commission.

Based on the mapping review by Ms. Montes and my technical and managerial review of the additional information provided by Sater on March 22, 2022, I recommend the second amended petition be deemed administratively complete and accepted for filing.