



## Filing Receipt

**Received - 2022-03-07 09:50:44 AM**

**Control Number - 52916**

**ItemNumber - 15**

**DOCKET NO. 52916**

<b>PETITION OF CHARLES D. CARTER</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>TO MARILEE SPECIAL UTILITY</b>	<b>§</b>	
<b>DISTRICT'S WATER CERTIFICATE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>OF CONVENIENCE AND NECESSITY</b>	<b>§</b>	
<b>IN COLLIN COUNTY BY EXPEDITED</b>	<b>§</b>	
<b>RELEASE</b>	<b>§</b>	

**COMMISSION STAFF'S SECOND SUPPLEMENTAL RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS AND NOTICE**

On December 3, 2021, Charles D. Carter (Mr. Carter) 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). Mr. Carter asserts that the land to be released is at least 25 contiguous acres, is not receiving sewer service, and is located in Collin County, which is a qualifying county. Mr. Carter filed supplemental information on January 20, 2022.

On January 6, 2022, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of March 7, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) 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 Tsungirirai Gatora, Sr., Infrastructure Division, recommends that the supplemented petition is administratively incomplete. Staff further recommends that Mr. Carter be ordered to cure the deficiencies identified in Mr. Gatora's memorandum by March 21, 2022, and that Staff be given a deadline of April 4, 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 Mr. Carter regarding the supplemental mapping information needed to cure the mapping deficiencies and will require at least thirty 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 petition be found administratively incomplete, and that Mr. Carter be ordered to file supplemental information to cure the deficiencies in the petition by March 21, 2022. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: March 7, 2022

Respectfully submitted,

### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Marisa Lopez Wagley  
Managing Attorney

/s/ Anthony Kanalas  
Anthony Kanalas  
State Bar No. 24125640  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7459  
(512) 936-7268 (facsimile)  
Anthony.Kanalas@puc.texas.gov

**DOCKET NO. 52916**

**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 March 7, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Anthony Kanalas  
Anthony Kanalas

# *Public Utility Commission of Texas*

---

## **Memorandum**

**TO:** Anthony Kanalas, Attorney  
Legal Division

**FROM:** Tsungirirai Gatora, Sr. Infrastructure Analyst  
Infrastructure Division

**DATE:** March 7, 2022

**RE:** Docket No. 52916 – *Petition of Charles D. Carter to Amend Marilee Special Utility District’s Water Certificate of Convenience and Necessity in Collin County by Expedited Release*

---

On December 03, 2021, Charles D. Carter (Mr. Carter), as the sole member of Carter Family Farms, LLC, 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). Mr. Carter 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 my technical and managerial review of the additional information provided by Mr. Carter on January 20, 2022, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

**Petition Content:**

The response to Order No. 3 provided the company agreement of Carter Family Farms, LLC showing Mr. Carter as the sole member of the LLC. However, the warranty deed provided on December 3, 2021, shows the transfer of the requested area from Mr. Carter to Carter Family Farms, LLC. Therefore, the agreement showing Mr. Carter as the sole member of the LLC is not sufficient. The petition must be from the landowner, Carter Family Farms, LLC. Please submit a revised petition from the landowner. Mr. Carter may provide an affidavit attesting that he is representing Carter Family Farms, LLC in the request for streamlined expedited release.