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DOCKET NO. 52916

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

**COMMISSION STAFF’S 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) No. 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 Mr. Carter asserts is a qualifying county.

On December 7, 2021, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of January 4, 2022 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 Tsungirirai Gatora, Sr., Infrastructure Division, recommends that the petition is administratively incomplete. Staff further recommends that Mr. Carter be ordered to cure the deficiencies identified in Mr. Gatora’s memorandum by February 4, 2022 and that Staff be given a deadline of March 7, 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 February 4, 2022. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: January 4, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

/s/ Anthony Kanalas
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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 January 4, 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: December 22, 2021

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) 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 the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review of the additional information provided by Mr. Carter, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

Petition Content:

The petition was requested by Mr. Carter; however, the warranty deed shows the landowner as Carter Family Farms, LLC. Please submit a revised petition from the landowner or provide clarification as to why the petition was requested by Mr. Carter.

Mapping Content:

Mr. Carter must submit the following item to resolve the mapping deficiencies:

- A revised detailed map identifying the overall deeded tract in reference to the portion of the tract to be released, shown in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.

Staff recommends Mr. Carter obtain additional mapping guidance from the PUC’s mapping staff, Ms. Tracy Montes, by email at tracy.montes@puc.texas.gov to resolve the mapping deficiencies.

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