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Received - 2022-06-30 11:37:12 AM
Control Number - 53514
ItemNumber - 10

DOCKET NO. 53514

PETITION OF SATER, LP TO AMEND	§	PUBLIC UTILITY COMMISSION
MARILEE SPECIAL UTILITY	§	
DISTRICT'S WATER CERTIFICATE	§	OF TEXAS
OF CONVENIENCE AND NECESSITY	§	
IN COLLIN COUNTY BY EXPEDITED	§	
RELEASE	§	

COMMISSION STAFF'S REVISED RECOMMENDATION ON FINAL DISPOSTION

On April 21, 2022, Sater, LP (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). Sater asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Collin County, Texas which is a qualifying county. Sater filed supplemental information on May 6, 2022.

On May 26, 2022, the administrative law judge (ALJ) filed Order No. 2, establishing a deadline of June 29, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on final disposition. Staff previously made this filing on May 26, 2022; however, the prior filing attached a memorandum with a typographical error. The memorandum attached to this filing corrects that error.

Specifically, the prior memorandum stated: "The tract of land in the petition for streamlined expedited release is approximately 262.8 acres, of which approximately 262.6 acres overlap Marilee SUD (CCN No. 10150) and would be decertified from CCN No. 10150." The corrected memorandum which is attached to this pleading states: "The tract of land in the petition for streamlined expedited release is approximately 262.8 acres, of which approximately 262.8 acres overlap Marilee SUD (CCN No. 10150) and would be decertified from CCN No. 10150."

I. RECOMMENDATION ON FINAL DISPOSITION

Staff has reviewed the petition and supplemental information and as detailed in the attached memorandum from James Harville, Infrastructure Division, recommends that the supplemented petition be approved. Staff recommends that Sater has met the requirements of TWC § 13.2541 and 16 TAC § 24.245(h), and further recommends that the petition for release of the requested area

from Marilee SUD's CCN No. 10150 be granted. Staff provides the attached final water CCN map and certificate and recommends that they be provided to Marilee SUD.

II. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that the petition be approved and that the Commission issue an order consistent with this recommendation.

Dated: June 30, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Keith Rogas
Division Director

Sneha Patel
Managing Attorney

/s/ John Harrison

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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 June 30, 2022, in accordance with the Order Suspending Rules, filed in Project No. 50664.

/s/ John Harrison
John Harrison

Public Utility Commission of Texas

Memorandum

TO: Forrest Smith, John Harrison, Attorneys
Legal Division

FROM: James Harville, Infrastructure Analyst
Infrastructure Division

DATE: June 29, 2022

RE: Docket No. 53514 – *Petition of Sater, LP to Amend Marilee Special Utility District’s Certificate of Convenience and Necessity in Collin County by Expedited Release*

On April 21, 2022, Sater, LP (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). 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 provided a warranty deed confirming ownership of the tract of land within Marilee SUD’s certificated service area. In addition, Sater submitted a sworn affidavit attesting that the tract of land was not receiving water service from the CCN holder. Marilee SUD requested to intervene.

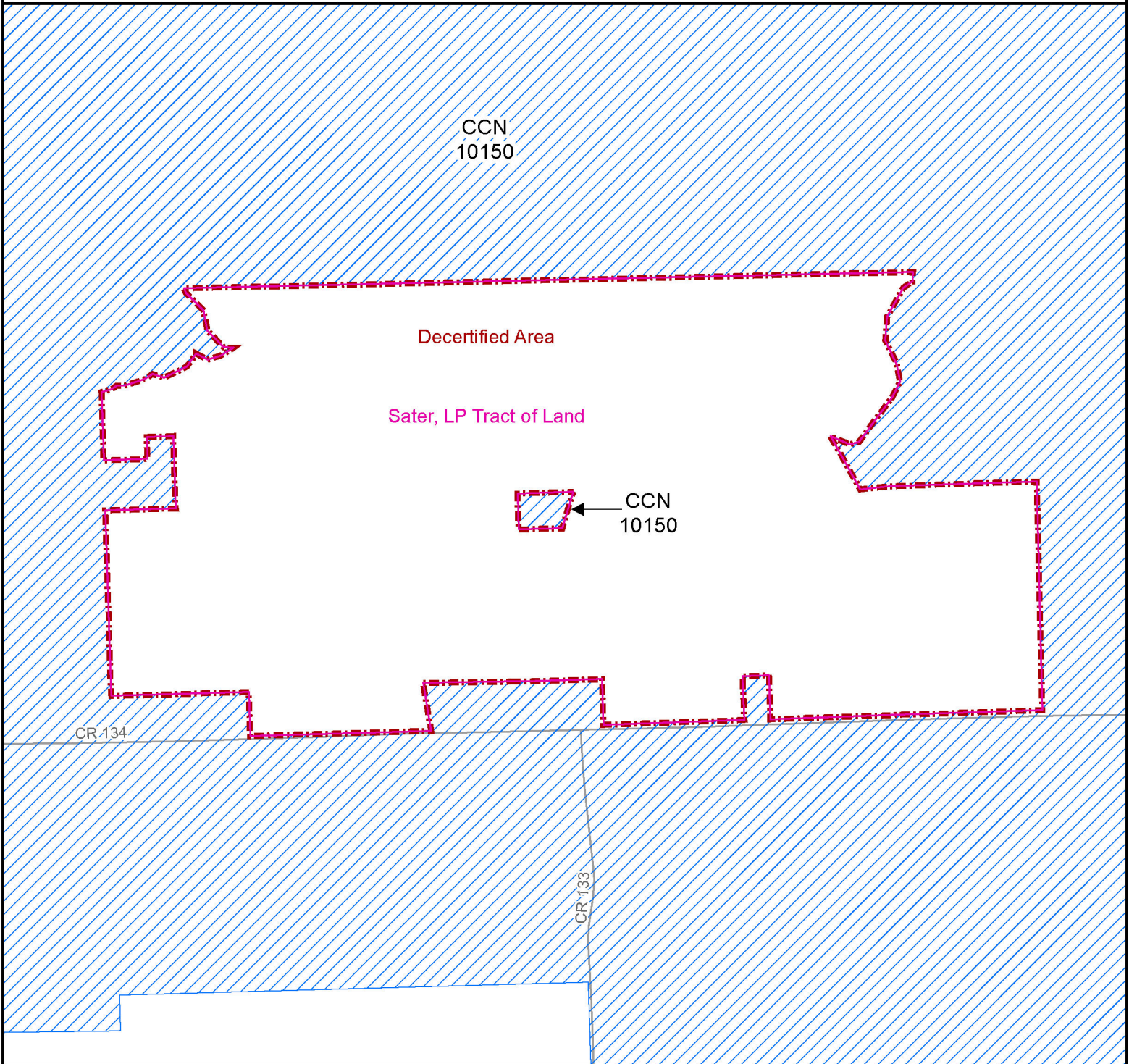
Based on the mapping review by Hank Journey, Infrastructure Division, it was determined the landowner’s total property is approximately 275.5 acres. The tract of land in the petition for streamlined expedited release is approximately 262.8 acres, of which approximately 262.8 acres overlap Marilee SUD (CCN No. 10150) and would be decertified from CCN No. 10150.

Marilee SUD provided a statement advising there are existing meters, waterlines, and other facilities within or near the tract of land, and that the District has the abilities and facilities dedicated to continuing to provide water service to the tract of land. Exhibit B-1¹ does not display a water line or meter serving the requested area.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), Sater has met the Commission’s requirements to allow for the release of the tract of land from Marilee SUD’s CCN No. 10150. Therefore, I recommend approval of the petition. Enclosed is a final map and certificate for Commission approval.

¹ Response (June 15, 2022) at page 68.

Marilee Special Utility District
Portion of Water CCN No. 10150
PUC Docket No. 53514
Petition by Sater, LP to Amend
Marilee Special Utility District's CCN by Streamlined Expedited Release in Collin County





Public Utility Commission of Texas

By These Presents Be It Known To All That

Marilee Special Utility District

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Marilee Special Utility District is entitled to this

Certificate of Convenience and Necessity No. 10150

to provide continuous and adequate water utility service to that service area or those service areas in Collin and Grayson counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 53514 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Marilee Special Utility District to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.