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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 RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND NOTICE**

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 5, 2022.

On April 25, 2022, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of May 23, 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 supplemental petition and, as detailed in the attached memorandum from Pai Liu, Infrastructure Division, recommends that the 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 petition to the CCN holder, Marilee SUD, by certified mail on the day the

petition was filed with the Commission. Sater also included an affidavit attesting to this provision of notice to Marilee SUD. Accordingly, Staff recommends that the notice is sufficient.

III. 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 Sater to file a reply to Marilee SUD's response	34 days from the date of the order finding the petition administratively complete
Deadline for 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 Sater 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 Sater to Marilee SUD	Within 60 days after appraiser's report
Deadline for Sater 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 Sater and Marilee SUD unable to select an agreed-upon appraiser</i>	

Deadline for Sater 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 Sater'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 Sater to Marilee SUD	Within 60 days after the Commission receives the final appraisal
Deadline for Sater 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 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 23, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

Sneha Patel
Managing Attorney

/s/ John Harrison

John Harrison
State Bar No. 24097806
Forrest Smith
State Bar No. 24093643
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7277
(512) 936-7268 (facsimile)
John.Harrison@puc.texas.gov

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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 May 23, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Harrison

John Harrison

Public Utility Commission of Texas

Memorandum

TO: Forrest Smith, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: May 23, 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, Texas 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, Texas, which is a qualifying county.

Sater submitted a sworn affidavit attesting that the tract of land was not receiving water service from Marilee SUD and a warranty deed confirming ownership of the landowner's total property. Sater included 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 Hank Journey, Infrastructure Division, the digital data submitted with Item 1, which was filed on the PUC Interchange on April 21, 2022 and the maps filed with Item 3 on the PUC Interchange on May 6, 2021, are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within Marilee SUD's water CCN. Hank Journey determined the following:

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 262.6 acres overlap Marilee SUD (CCN No. 10150) and would be decertified from CCN No. 10150.

Based on my technical and managerial review of the information provided by Sater, in addition to the mapping review completed by Hank Journey, Hank Journey I recommend the petition be deemed administratively complete and accepted for filing.