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PETITION OF STERLING DEASON	§	PUBLIC UTILITY COMMISSION
O'DONNELL AND DARWIN DEASON,	§	
CO-TRUSTEES OF THE STERLING	§	OF TEXAS
DEASON O'DONNELL DD 2012 TRUST	§	
UNDER AGREEMENT OF THE DD	§	
2014-B GRANTOR RETAINED	§	
ANNUITY TRUST TO AMEND	§	
MARILEE SPECIAL UTILITY	§	
DISTRICT'S CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
COLLIN COUNTY BY EXPEDITED	§	
RELEASE	§	

ORDER NO. 17
CLARIFYING PAYMENT OBLIGATION BUT DENYING MOTION TO COMPEL

This Order addresses Commission Staff's May 11, 2022 motion to compel the parties to coordinate with Commission Staff's selected appraiser.

On May 13, 2022, petitioner filed a response opposing Commission Staff's motion to compel. On May 19, 2022, Commission Staff filed a reply to the response.

For a number of reasons, the administrative law judge (ALJ) concludes that Commission Staff's motion should be denied. First, the motion is based on law that is not applicable to this proceeding. Commission Staff repeatedly cites to 16 Texas Administrative Code (TAC) § 24.245(g). That subpart sets out the process by which compensation is determined following, among other things, an expedited release. This is not, however, an "expedited release" case; it is a "streamlined expedited release" case. The process by which compensation is determined following a streamlined expedited release is set forth in 16 TAC § 24.245(i).

Second, Commission Staff's motion is unclear and fails to identify a legitimate basis for itself. Commission Staff explains that it has retained Robbie Wilson to prepare Staff's independent appraisal in this proceeding. Commission Staff alleges that the petitioner has "refused to coordinate with" and "failed to engage with" Mr. Wilson. The ALJ does not understand what kind of coordination or engagement Commission Staff is seeking or why it is needed. Similarly, Commission Staff does not identify any law that would compel such coordination or engagement.

Commission Staff correctly points out that the petitioner and the CCN holder must each pay half of the cost of Mr. Wilson's appraisal. But the petitioner "agrees that it is responsible for payment of one-half of [Commission Staff's] appraisers fees, and fully supports any order that

confirms its responsibility.” By this Order, the ALJ confirms that, under 16 TAC § 24.245(i)(2)(B), the petitioner and the CCN holder must each pay for half of the cost of Mr. Wilson’s appraisal, and the payment must be made directly to Mr. Wilson. To the extent Commission Staff seeks an order compelling further coordination or engagement, the motion is denied.

Signed at Austin, Texas the 20th day of May 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



**HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE**