



## Filing Receipt

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**DOCKET NO. 50404**

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

**MARILEE SPECIAL UTILITY DISTRICT'S NOTICE  
OF AGREEMENT WITH COMMISSION STAFF'S  
REQUEST FOR CLARIFICATION AND ABATEMENT**

**TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:**

COMES NOW Marilee Special Utility District (the "District"), by and through undersigned counsel, and files this Notice of Agreement with Commission Staff's Informational Filing and Request for Clarification and Abatement ("the "Request") filed today, June 9, 2022, in this docket.<sup>1</sup>

**REQUEST FOR CLARIFICATION AND ABATEMENT**

The District joins Commission Staff in requesting clarification and abatement of this proceeding pending resolution of the issues in the Request. Commission Staff's Request identifies several issues requiring clarification in this proceeding, including, but not limited to, the following:

- Whether Petitioners in this proceeding, Sterling Deason O'Donnell and Darwin Deason, Co-Trustees of the Sterling Deason O'Donnell DD 2012 Trust Under Agreement of the

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<sup>1</sup> Commission Staff's Informational Filing and Request for Clarification and Abatement (June 9, 2022).

DD 2014-B Grantor Retained Annuity Trust, continue to have standing to bring this proceeding, since they have sold the Tract of Land at issue;<sup>2</sup>

- Whether Commission Staff is obligated to submit its appraisal report for the Tract of Land on June 9, 2022, when Petitioners have refused to guarantee payment of their one-half of Commission Staff’s appraisal costs;<sup>3</sup>
- Whether Commission Staff is obligated to submit its appraisal report for the Tract of Land on June 9, 2022, when Petitioners have refused to provide information to Commission Staff’s appraiser;<sup>4</sup> and
- Whether Commission Staff is obligated to submit its appraisal report for the Tract of Land on June 9, 2022, when Petitioners admit that they no longer own the Tract of Land at issue in this proceeding.<sup>5</sup>

The District agrees wholly with Commission Staff’s Request and respectfully submits that the important issues discussed therein warrant abating this proceeding until they may be resolved by the Honorable Administrative Law Judge (“ALJ”).

Additionally, and separately, abatement is warranted because the District has filed an Original Petition for Judicial Review of this proceeding in Travis County District Court,<sup>6</sup> and the Commission’s order decertifying the Tract of Land in this proceeding will potentially be reversed or remanded to the Commission for reconsideration, at which time the District would move the Commission to dismiss this proceeding for failure to state a claim upon which relief may be granted, since Petitioners no longer own the Tract of Land at issue, and are thus ineligible to

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<sup>2</sup> See *id.* at 4 & Staff’s Exhibit B (stating that Petitioners have sold the Tract of Land at issue in this proceeding and providing email from Petitioners’ counsel, dated June 2, 2022, admitting that Petitioners “closed on the sale of the property” on Thursday, May 26, 2022, and that Petitioners’ counsel “ha[s] not been engaged by the buyer.”).

<sup>3</sup> See *id.* at 2-3 (stating that Commission Staff’s appraiser has not received “an agreement for payment upon delivery of his appraisal report” from Petitioners.).

<sup>4</sup> See *id.* at 2-3 (explaining that Commission Staff’s appraiser has not received required preliminary information for Commission Staff’s appraisal report from Petitioners).

<sup>5</sup> See *id.* at 4 (requesting clarification of how Commission Staff should proceed given that “Petitioner no longer owns the property for which it is seeking expedited release.”).

<sup>6</sup> See *Marilee Special Utility Dist. v. Pub. Util. Comm’n of Texas*, No. D-1-GN-22-002411 (455<sup>th</sup> Dist. Ct., Travis County, Tex., May 25, 2022) (Marilee Special Utility District’s Original Petition for Judicial Review).

petition for streamlined expedited release under Texas Water Code § 13.2541 and 16 Texas Administrative Code § 24.245(h).

**PRAYER**

Accordingly, for the reasons described herein, the District joins Commission Staff in respectfully requesting that this proceeding be abated, pending clarification of the issues Commission Staff raises in the Request. Further, the District respectfully requests that the Commission withdraw the order decertifying the Tract of Land in this proceeding and enter an order denying the Petition and dismissing this case for failure to state a claim upon which relief may be granted.


Respectfully submitted,

By:   
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ATTORNEYS FOR MARILEE SPECIAL  
UTILITY DISTRICT

**CERTIFICATE OF SERVICE**

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail Return Receipt Requested to all parties on this the 9<sup>th</sup> day of June 2022.

  
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Grayson E. McDaniel