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DOCKET NO. 50404



PETITION OF STERLING DEASON §  
O'DONNELL AND DARWIN DEASON, §  
CO-TRUSTEES OF THE STERLING §  
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 §

PUBLIC UTILITY COMMISSION  
OF TEXAS

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS AND PROPOSED NOTICE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this supplemental recommendation. Staff recommends that the petition be deemed administratively incomplete and that the petitioner p be ordered to address the identified deficiencies. In support thereof, Staff would show the following:

**I. BACKGROUND**

On January 2, 2020, Sterling Deason O'Donnell and Darwin Deason, Co-Trustees of the Sterling Deason O'Donnell DD 2012 Trust under agreement of the DD 2014-B Grantor Retained Annuity Trust (Petitioners) filed a petition for expedited release to amend Marilee Special Utility District's water Certificate of Convenience and Necessity No. 10150 in Collin County, under Texas Water Code § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(l).

On February 6, 2020, Order No. 3 was issued establishing a deadline of March 19, 2020, for Staff to file a supplemental recommendation on administrative completeness of the petition. This pleading, therefore, is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

After review, and as detailed in the attached memorandum from Patricia Garcia in the Commission's Infrastructure Division, Staff recommends that the petition be found administratively incomplete. Staff recommends that Petitioners be ordered to cure the mapping deficiencies identified in that memorandum by April 9, 2020, and that Staff be given a deadline of

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May 7, 2020, to file a supplemental recommendation on the administrative completeness of the petition.

### **III. PROCEDURAL SCHEDULE**

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of this docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation for application sufficiency.

### **IV. MOTION TO REQUIRE ELECTRONIC SERVICE**

Pursuant to 16 TAC § 22.74(c), the presiding officer may require service by email on motion of a party. On March 16, 2020, the Commission issued an Order Suspending Rules in Docket No. 50664, Issues Related to the State Disaster for the Coronavirus Disease 2019. The Order stated in relevant part: "all parties must file any pleading or document with the Commission solely through the Interchange on the Commission's website and provide notice, by email, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer."

Accordingly, Staff requests that the Commission Administrative Law Judge issue an order requiring service by electronic mail in this docket. Staff further requests that the Order direct any party to this proceeding who has not previously provided an email address to file a notice informing the parties of the email address to be used for service.

### **V. CONCLUSION**

Staff respectfully requests the issuance of an order consistent with the foregoing recommendation and motion.

Dated: March 19, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Heath D. Armstrong  
Managing Attorney

*/s/ Creighton R. McMurray*

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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 this the 19<sup>th</sup> of March 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

*/s/ Creighton R. McMurray*

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Creighton R. McMurray

## PUC Interoffice Memorandum

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**To:** Creighton McMurray, Attorney  
Legal Division

**From:** Patricia Garcia, Engineering Specialist  
Infrastructure Division

**Date:** March 19, 2020

**Subject:** **Docket No. 50404:** *Petition of Sterling Deason O'Donnell and Darwin Deason, Co-Trustees of the Sterling 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*

On January 2, 2020, Sterling Deason O'Donnell and Darwin Deason, Co-Trustees of the Sterling Deason O'Donnell DD 2012 Trust under agreement of the DD 2014-B Grantor Retained Annuity Trust (Petitioners) filed an application for expedited release to amend 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(l). The Petitioners assert 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.

The Petitioners submitted a sworn affidavit attesting that the property was not receiving water from Marilee SUD and a warranty deed confirming the Petitioners' ownership of the tract of land. On January 16, 2020, Marilee SUD submitted a motion to intervene. The motion to intervene was granted by the Administrative Law Judge on January 30, 2020. On February 11, 2020, Marilee SUD submitted documents and maps indicating that there are 3 meters serving the property.

Staff has reviewed the information provided by the Petitioners and recommends the petition be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

### **Mapping Content:**

The Petitioners' digital mapping data, general location and detailed maps submitted on February 12, 2020 are deficient, and therefore, the petition does not meet the mapping requirements of 16 TAC § 24.245(m). All maps should only show the location of the subject property and must be printed at full size and to scale. The digital mapping data filed was incomplete, since the shapefile does not include at a minimum the necessary filenames with the following extensions (.dbf, .prj, .sbn, .sbx, .shp, and .shx).

Petitioners must file the following items to resolve the mapping deficiencies:

- A general location map identifying only the subject property (tract of land), in reference to the nearest county boundary, city, or town;
- A detailed map identifying only the subject property (tract of land), in reference to

verifiable man-made and natural landmarks, such as roads, rivers, and railroads. If ownership of the tract of land is conveyed by multiple deeds, this map should also identify the location and acreage of land conveyed by each deed; and

- Digital mapping data for the subject property (tract of land) provided as a single continuous polygon record, in a shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet).

Staff recommends the Petitioners obtain additional mapping guidance from the Commission's mapping staff, Ms. Tracy Montes at (512) 936-7187 or [tracy.montes@puc.texas.gov](mailto:tracy.montes@puc.texas.gov) to resolve the mapping deficiencies.