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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 §
COLLING COUNT BY EXPEDITED §
RELEASE §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**PETITIONER'S OBJECTION TO MARILEE SPECIAL UTILITY DISTRICT'S
MOTION FOR LEAVE**

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 (the "Petitioner") files this Objection to Marilee Special Utility District's ("Marilee SUD") Motion for Leave to File a Surreply to Petitioner's Reply to its Response (the "Motion") and requests the Motion be denied. In support thereof, Petitioner respectfully shows as follows:

I. Procedural Background

On January 2, 2020, Petitioner filed its petition (the "Petition") for expedited release of approximately 260.372 acres of property (the "Property") from Marilee SUD's water Certificate of Convenience and Necessity ("CCN") No. 10150 in Collin County, under Texas Water Code Section 13.2541(b) and 16 Texas Administrative Code Section 24.245(l).

On February 11, 2020, Marilee SUD filed its Response to the Petition (the "Response"), asserting that it provides "service" to the Property; and that the Property is not eligible for decertification because the Public Utility Commission of Texas (the "Commission") previously denied decertification of other property.

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On April 8, 2020 Petitioner replied, with accompanying proof, that there is no service to the Property that is the subject of the Petition. In addition, the denial of a previous landowner's petition for expedited release of other property from Marilee SUD's CCN has no bearing on this proceeding. Marilee SUD now requests leave to file a surrepley to re-urge this argument.

II. Objection

Petitioner objects to Marilee SUD's Motion on the basis that it is irrelevant because the only issue properly before the Commission, at this time, is a determination of the Petition's administrative completeness. On March 19, 2020 Commission staff, in its Supplemental Recommendation on Administrative Completeness, identified one deficiency in the Petition related to mapping and requested that Petitioner supply additional mapping information. In all other respects, the Petition is recommended to be found administratively complete. Petitioner has filed additional mapping and, thus, has cured the single deficiency regarding administrative completeness.¹ Marilee SUD's draft surrepley has no relation to this item and would only result in delay of the proceeding. Accordingly, Marilee SUD's Motion should be denied.

Conclusion and Prayer

Petitioner requests the Marilee SUD's Motion for Leave be denied and that the Petition be deemed administratively complete. In the alternative, if the Motion is granted, Petitioner requests ten (10) days to file additional briefing related to the issues that Marilee SUD has re-urged in its draft surrepley.

¹ The mapping information supplied by Petitioner also demonstrates that the meters referenced Marilee SUD's Response are not on the Property that is the subject of the Petition.

Respectfully submitted,

COATS ROSE, P.C.

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ATTORNEYS FOR PETITIONERS

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was served on the following attorney of record on or before April 24, 2020 in accordance with 16 Tex. Admin. Code § 22.74(c).

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