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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 PROCEDURAL SCHEDULE**

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 sufficient for further review. 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 (Petitioner) filed a petition for streamlined expedited release to amend Marilee Special Utility District's (Marilee SUD) 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 April 27, 2020, the Administrative Law Judge (ALJ) issued Order No. 4, establishing a deadline of May 11, 2020, for Staff to file a supplemental recommendation on administrative completeness of the petition, along with a proposed procedural schedule, if appropriate. This pleading, therefore, is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum from Patricia Garcia in the Commission's Infrastructure Division, Staff has reviewed petition for streamlined expedited release and

supplemental information filed by the Petitioner and recommends that it be found administratively complete.

**III. NOTICE**

Under 16 TAC § 24.245(D)(4)(A)(vi), the landowner 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 with the Commission.

Petitioner states in its filing 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. The CCN holder filed a motion to intervene on April 16, 2020, wherein it raised the issue of compensation. Petitioner also included an affidavit attesting to this provision of notice to Marilee SUD. Accordingly, Staff recommends that the notice issued be found sufficient.

**IV. PROCEDURAL SCHEDULE**

Staff proposes the following procedural schedule. Under TWC § 13.2541(c) and 16 TAC § 24.8(d), there is an expedited statutory deadline of 60 days for approval that begins once the ALJ issues an order finding a petition administratively complete. Therefore, Staff requests that the ALJ populate the following deadlines accordingly when the ALJ issues that order.

<b>Event</b>	<b>Date</b>
Order regarding administrative completeness of the Petition	Date of Order
Deadline for Marilee SUD and/or intervenors to file a response to the administratively complete Petition	Seven (7) days from date of the Order deeming the Petition administratively complete
Deadline for Commission Staff's recommendation on final disposition	Seven (7) days from the deadline for Marilee SUD and/or intervenors to file a response
Deadline for Petitioner's to file a reply to both Marilee SUD's response and Commission Staff's recommendation on final disposition	Seven (7) days from the deadline for Commission Staff to file its final recommendation
Sixty (60) day administrative approval	Sixty (60) days from the Order deeming the petition administratively complete

**V. CONCLUSION**

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

Dated: May 11, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Eleanor D'Ambrosio  
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 May 11, 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:** May 7, 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 (Petitioner) 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, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(l). The Petitioner asserts 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 Petitioner submitted a sworn affidavit attesting that the property was not receiving water from Marilee SUD and a warranty deed confirming the Petitioner's ownership of the tract of land. In addition, the Petitioner submitted sufficient maps and digital data for determining the location of the requested release area within Marilee SUD's certificated service area. Mapping Staff was able to confirm the tract of land is approximately 260 acres.

Staff has reviewed the information provided by the Petitioner and recommends the petition be deemed administratively complete and accepted for filing.