

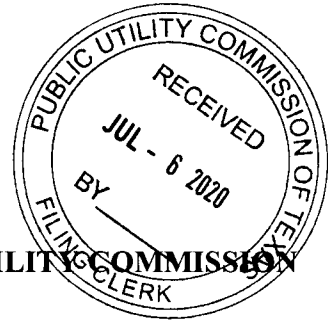


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DOCKET NO. 50404

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 MOTION TO STRIKE MARILEE SPECIAL UTILITY DISTRICT'S
OBJECTION TO COMMISSION STAFF'S RECOMMENDATION ON FINAL
DISPOSTION**

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 Motion to Strike Marilee Special Utility District's ("Marilee SUD") Objection to Commission Staff's Recommendation on Final Disposition (the "Objection") and respectfully shows as follows:

I. Procedural History

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.

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 filed an unnecessary Sur-reply on April 16, 2020 to re-urge its prior arguments.

On May 11, 2020 Commission Staff’s filed its Supplemental Recommendation on Administrative Completeness and Proposed Procedural Schedule. Order No. 5 was issued on June 6, 2012 finding the Petition Administratively Complete and Setting a Procedural Schedule. Marilee SUD filed its Response on June 19, 2020.

On July 1, 2020 Petitioner’s filed it’s Reply to Marilee SUD’s Response to Administrative Completeness and Commission’s Staff’s Recommendation and on Final Disposition. The next day, Marilee SUD filed an unnecessary and untimely Objection.

II. Motion to Strike

Petitioner moves to strike Marilee SUD’s on the basis that the arguments presented in its Objection have been thoroughly briefed by all parties according to the Procedural Schedule in this matter. Moreover, the “Objection” is not an objection to some irregularity in Commission Staff’s Recommendation; it is an attempt to re-urge prior arguments and confuse issues that have previously been decided. The Procedural Schedule does not provide for filing such a document. As such, the Objection should be stricken.

Conclusion and Prayer

Petitioner Moves to Strike Marilee SUD's Objection to Commission Staff's Recommendation on Final Disposition respectfully requests that the Petition be approved.

Respectfully submitted,

COATS ROSE, P.C.

By:



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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 July 7th, 2020 in accordance with 16 Tex. Admin. Code § 22.74(c).

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