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DOCKET NO. 50404

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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
PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

**ORDER NO. 7
REQUIRING CLARIFICATION FROM THE PARTIES**

In this matter, 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, seek streamlined expedited release for a tract of land the trust owns from Marilee Special Utility District's water certificate of convenience and necessity (CCN) number 10150 in Collin County. The administrative law judge (ALJ) requires clarification from the parties as to the specifics of where Marilee SUD infrastructure lies in relation to: (1) the entire tract owned by petitioner; and (2) the specific acreage for which petitioner seeks release.

Petitioner owns an approximately 266-acre tract of land in Collin County located within Marilee SUD's water CCN number 10150 (petitioner's entire acreage). As best the ALJ can tell based upon the record before him, Marilee SUD has the following infrastructure on or in close proximity to petitioner's entire acreage:

- an 8" waterline running through the southern end of the entire acreage;
 - a 2" waterline running off the 8" line and just outside of and parallel to the southeastern edge of the entire acreage; and
 - a small line running off the 2" waterline to a meter designated as meter number 309 that lies within the entire acreage and serves a lot within the entire acreage;

- a 4” waterline running through the northwestern corner of the entire acreage;
 - that is connected to a meter designated as meter number 721 that lies within the entire acreage (it is unclear whether meter number 721 serves a defined lot within the entire acreage); and
- a 6” waterline running just east of the northeast corner of the property;
 - that is connected to a meter designated as meter number 1528 that lies within the entire acreage and that serves a lot within the entire acreage.

In this docket, Petitioner is seeking release of an approximately 260-acre portion of petitioner’s entire acreage (the requested acreage). As best the ALJ can tell based upon the record before him, Marilee SUD has the following infrastructure on the requested acreage:

- an 8” waterline running through the southern end of the requested acreage;
 - a 2” waterline running off the 8” line and just outside of and parallel to the southeastern edge of the requested acreage;
- a 4” waterline running through the northwestern corner of the requested acreage (it is unclear whether meter number 721 lies within the requested acreage and whether any lot it serves lies within the requested acreage); and
- a 6” waterline running just east of the northeast corner of the requested acreage.

By December 8, 2020, petitioner and Marilee SUD must each file briefing identifying what they contend are any inaccuracies in the descriptions provided above. Additionally, they must specifically explain whether meter number 721 and any lot it serves lie within the requested acreage. Commission Staff must file similar briefing by December 15, 2020.¹

¹ The legal issues in this case have been extensively and sufficiently briefed. In their responses to this order, the parties are instructed to solely address the points raised in this order and not file any further legal briefing on other topics.

Signed at Austin, Texas the 24th day of November 2020.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

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