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PUBLIC UTILITY COMMISSION
FILING CLERK

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 RESPONSE TO ORDER NO. 7

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this response. In support thereof, Staff shows 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 (CCN) No. 10150 in Collin County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). The Petitioner supplemented the application on February 7, 2020, February 12, 2020, and April 1, 2020.

On November 24, 2020, Order No. 7 was filed, establishing a deadline of December 15, 2020, for Staff to file briefing in response to the accuracy of the administrative law judge's (ALJ) summary and description of the facilities owned by Marilee SUD that may be implicated in this proceeding. This pleading, therefore, is timely filed.

II. RESPONSE

In Order No. 7, the ALJ requested clarification as to the specifics of where Marilee SUD's infrastructure lies in relation to the entire tract owned by the Petitioner and to the specific acreage

for which release has been requested. The ALJ's request first considered infrastructure in or in close proximity to the Petitioner's entire 266-acre tract. Specifically:

- An 8" waterline running through the southern end of the entire acreage, including a small 2" line running to meter number 309, the serves a lot within the entire acreage;
- A 4" waterline running through the northwestern corner of the entire acreage, which connects to meter number 721, which serves a defined lot within the entire acreage; and
- A 6" waterline running just east of the northeast corner of the property, that connects to meter number 1528, that serves a lot within the entire acreage.

Staff has reviewed the mapping information, affidavits, and statements provided by the Petitioner and Marilee SUD in the initial application, subsequent replies, and the most recent responses to Order No. 7. Staff recommends that the ALJ's description of the infrastructure listed above is accurate.

The ALJ's request then considered infrastructure located on the 260-acre portion of the 266-acre tract for which the Petitioner is requesting release. Specifically:

- An 8" waterline running through the southern end of the requested acreage, with a 2" extruding from the 8" waterline, just outside of the requested acreage;
- A 4" waterline running through the northwestern corner of the requested acreage; and
- A 6" waterline running just east of the northeast corner of the requested acreage.

Similarly, Staff has reviewed the mapping information, affidavits, and statements provided by the Petitioner and Marilee SUD in the initial application, subsequent replies, and the most recent responses to Order No. 7. Staff recommends that the ALJ's description of the infrastructure listed above is accurate.

Finally, the ALJ directed the parties to explain whether meter number 721, and any lot it serves, lie within the requested acreage. While the mapping information provided by Marilee SUD in its initial response to the petition appears to indicate that meter 721 is within the requested area, Staff contends that Marilee SUD's original mapping information inaccurately places meter number 721 too far north within the entire acreage.¹ More recent mapping information submitted by Marilee SUD places the meter further south within the entire acreage, but outside of the requested

¹ Marilee Special Utility District's Response to Petition for Expedited Release at Exhibit B (Feb. 11, 2020).

area.² This mapping analysis aligns with Staff's examination and with the description provided by the Petitioner.³

III. CONCLUSION

Staff respectfully offers the foregoing response.

Dated: December 15, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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² Marilee Special Utility District's Response to Order No. 7 at Attachment 3 (Dec. 9, 2020)

³ Petitioner's Brief in Response to Order No. 7 at 3-4 (Dec. 8, 2020).

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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 on December 15, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Creighton R. McMurray
Creighton R. McMurray