



Control Number: 50404



Item Number: 36

Addendum StartPage: 0



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**

**ORDER NO. 8
DENYING MOTION TO DISMISS**

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. In Order No. 2 filed on January 30, 2020, the administrative law judge (ALJ) granted the CCN holder's motion to intervene.

On April 16, 2020, the CCN holder filed what effectively constituted a motion to dismiss (the first motion to dismiss). In Order No. 6 filed on November 19, 2020, the ALJ denied the first motion to dismiss.

On November 30, 2020, the CCN holder filed what it described as a supplemental motion to dismiss (the second motion to dismiss). In the second motion to dismiss, the CCN holder contends that the way in which the petition has been processed has deprived it of its right to due process under the state and federal constitutions. The motion is opposed by the petitioner.

Because the Commission does not have the authority to decide constitutional questions, the CCN holder's second motion to dismiss is denied.

Signed at Austin, Texas the 8th day of January 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

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