



Control Number: 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
OF TEXAS**

2021 JUN -9
FILED
JUL 1 2021
JUL 1 2021

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND SUFFICIENCY OF NOTICE**

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) number 10150 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). The Petitioner asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Collin County, which is a qualifying county. Marilee SUD filed a request to intervene on January 16, 2020. The Petitioner filed an amended application on April 27, 2021. The Petitioner supplemented the amended application on April 28, 2021.

On May 26, 2021, the Administrative Law Judge (ALJ) issued Order No.10, establishing a deadline of June 9, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file a recommendation regarding the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the petition and supplemental information and, as detailed in the attached memorandum from Patricia Garcia, Infrastructure Division, recommends that the petition is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

II. NOTICE SUFFICIENCY

Under 16 TAC § 24.245(h)(3)(f), a landowner seeking streamlined expedited release 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 to the Commission. The Petitioner stated 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 Petitioner also included an affidavit attesting to this provision of notice to Marilee SUD. Accordingly, Staff recommends that the notice is sufficient.

III. CONCLUSION

For the reasons detailed above, Staff recommends that the supplemented petition be found administratively complete and that the notice be found sufficient. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: June 9, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ David Hoard
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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 June 9, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ David Hoard
David Hoard

Public Utility Commission of Texas

Memorandum

TO: David Hoard, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: June 9, 2021

RE: Docket No. 50404 – *Petition of Sterling Deason O'Donnell and Darwin Deason, Co-Trustee 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-Trustee of the Sterling Deason O'Donnell DD 2012 Trust under agreement of the DD 2014-B Grantor Retained Annuity Trust (Petitioners) filed a petition for streamlined expedited release from Marilee Special Utility District's (Marilee SUD) water 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 Petitioners assert 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.

On April 28, 2021, the Petitioners filed an amended petition identifying a new portion of a tract they are seeking to release from Marilee SUD's CCN No. 10150. The entire tract of land owned by the Petitioner is 265.679 acres. The portion of the tract considered for release is 259.5 acres. Based on Tracy Montes', Infrastructure Division, mapping review, the Petitioners revised digital data and maps filed is sufficient. As indicated on the maps and digital data filed by the Petitioner on April 28, 2021, and the maps filed by Marilee SUD on May 13, 2021, the Petitioner has adequately removed Marilee SUD's water meters from the portion of the tract.

The Petitioners submitted a sworn affidavit attesting that the portion of the property seeking release was not receiving water service from Marilee SUD and a warranty deed confirming the Petitioners' ownership of the portion of the tract of land. The petition also includes a statement indicating a copy of the petition was sent via certified mail to Marilee SUD on April 28, 2021.

Based on the mapping review by Tracy Montes and my technical and managerial review of the revised petition provided by Petitioners on April 28, 2021, I recommend the petition be deemed administratively complete and accepted for filing.