



Control Number: 50404



Item Number: 6

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**

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**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS AND PROPOSED NOTICE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this recommendation. Staff recommends that the application be deemed administratively incomplete and that the applicant be ordered to address the identified deficiencies. In support thereof, Staff would show the following:

I. BACKGROUND

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 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 § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(l).

On January 6, 2020, Order No. 1 was issued, establishing a deadline of February 1, 2020, for Staff to file a recommendation on administrative completeness of the application and notice. This pleading, therefore, is timely filed.¹

¹ Under 16 TAC § 22.4, if a filing date falls on a day the Commission is not open for business, that day then advances to the next day the Commission is open. In this case, February 1, 2020, is a Saturday and therefore the deadline advances to February 3, 2020.

II. ADMINISTRATIVE COMPLETENESS

After review, and as detailed in the attached memorandum from Patricia Garcia in the Infrastructure Division, Staff recommends that the application be found administratively incomplete. Staff recommends that Petitioners be ordered to cure the deficiencies identified in that memorandum by February 19, 2020, and that Staff be given a deadline of March 19, 2020, to file a supplemental recommendation on the administrative completeness of the application. Staff notes that Petitioners should not issue notice until the application is found administratively complete.

III. PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of this docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation for application sufficiency.

IV. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the foregoing recommendation.

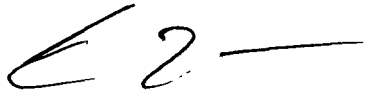
Dated: February 3, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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DOCKET NO. 50404

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 3, 2020, in accordance with 16 TAC § 22.74.



Creighton R. McMurray

PUC Interoffice Memorandum

To: Creighton McMurray, Attorney
Legal Division

From: Patricia Garcia, Engineering Specialist
Infrastructure Division

Date: February 3, 2020

Subject: **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*

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 (Petitioners) filed an application for expedited release from 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(I). 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.

The Petitioners submitted a sworn affidavit attesting that the property was not receiving water from Marilee SUD and a warranty deed confirming the Petitioners' ownership of the tract of land.

Staff has reviewed the information provided by the Petitioners and recommends the petition be deemed administratively incomplete and not accepted for filing due to the deficiencies detailed below:

Mapping Content:

The Petitioners do not meet the mapping requirements of 16 TAC § 24.245(m). The Petitioners have not filed a survey map that is legible, at full size or to scale. Furthermore, the Petitioners have not filed digital data, general location and detailed maps showing the location of the subject property they are seeking to be released from Marilee SUD's CCN No. 10150.

Applicant must submit the following items to resolve the mapping deficiencies:

- A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.
- A detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Digital mapping data for the requested area, as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet).

Staff recommends the Applicant obtain additional mapping guidance from the Commission's mapping staff, Ms. Tracy Montes at (512)936-7187 or tracy.montes@puc.texas.gov to resolve the mapping deficiencies.