



## Filing Receipt

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<b>PETITION OF STERLING DEASON</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>O'DONNELL AND DARWIN DEASON,</b>	<b>§</b>	
<b>CO-TRUSTEES OF THE STERLING</b>	<b>§</b>	
<b>DEASON O'DONNELL DD 2012 TRUST</b>	<b>§</b>	
<b>UNDER AGREEMENT OF THE DD 2014-</b>	<b>§</b>	
<b>B GRANTOR RETAINED ANNUITY</b>	<b>§</b>	<b>OF</b>
<b>TRUST TO AMEND MARILEE SPECIAL</b>	<b>§</b>	
<b>UTILITY DISTRICT'S CERTIFICATE</b>	<b>§</b>	
<b>OF CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>COLLING COUNT BY EXPEDITED</b>	<b>§</b>	
<b>RELEASE</b>	<b>§</b>	<b>TEXAS</b>

**PETITIONER'S RESPONSE TO COMMISSION STAFF'S  
MOTION TO COMPEL**

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 (the "Petitioner") file this Response to Commission Staff's Motion to Compel and in support thereof, respectfully shows as follows:

Public Utility Commission ("PUC") Staff seeks to compel Petitioner, under a vague motion, to "coordinate" with Mr. Robbie Wilson, as a third-party appraiser in this docket. Mr. Wislon's appointment as a third-party appraiser is not on file with the Court. Moreover, Petitioner is not aware of any authorization under statute or rule that requires Petitioners' coordination with the PUCs' appointed appraiser. The provisions under the law state as follows:

If the petitioner and the certificate holder cannot agree on an independent appraiser within 10 calendar days after the date on which the utility commission approves the petition, the petitioner and the certificate holder shall each engage its own appraiser at its own expense, and each appraisal shall be submitted to the utility commission within 70 calendar days after the date on which the utility commission approves the petition. *After receiving the appraisals, the utility commission shall appoint a third appraiser who shall make a determination of the compensation within 100 days after the date on which the utility commission approves the petition.* The determination may not be less than the lower appraisal or more than the higher appraisal. *The petitioner and the certificate holder shall each pay half the cost of the third appraisal.*

TEX. WATER CODE §13.2541(i) (emphasis added); *see also* TEX. ADMIN. CODE §24.245(g)(4)(B).

In its motion, PUC Staff states that it has “selected” appraiser and that Petitioner has refused to coordinate with its chosen appraiser. Under statute, the third-party appraiser *shall* be appointed by the PUC. The law contemplates that this is a third-party appraiser. The parties have no duty, nor should they be required to engage or have direct communication with this appraiser. Petitioner agrees that it is responsible for payment of one-half of this appraiser’s fees, and fully supports any order that confirms its responsibility.

Accordingly, Petitioner requests an order denying the Motion to Compel, requiring appointment of a third-party appraiser in accordance with the statutory requirements, and confirming each party’s responsibility for one-half of the appointed appraiser’s fees.

Respectfully submitted,

**COATS ROSE, P.C.**

By:



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**ATTORNEYS FOR PETITIONERS**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this document was served on the following attorney of record on or before May 13<sup>th</sup> 2022 in accordance with 16 Tex. Admin. Code § 22.74(c).

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