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DOCKET NO. 52101

PETITION OF CCD-NORTH SKY, LLC TO § PUBLIC UTILITY COMMISSION
AMEND MARILEE SPECIAL UTILITY §
DISTRICT'S CERTIFICATE OF § OF
CONVENIENCE AND NECESSITY IN §
COLLIN COUNT BY EXPEDITED RELEASE § TEXAS

**OBJECTION TO MARILEE SPECIAL UTILITY DISTRICT'S APPLICATION FOR
FEDERAL DEBT AND REQUEST FOR ORDER OF WITHDRAWAL**

CCD-North Sky, LLC (the "Petitioner") files its objection to Marilee Special Utility District's ("Marilee") application for federal debt in violation of Texas Water Code 13.2541(e) and Texas Administrative Code 24.245(h)(8) and respectfully requests an order requiring Marilee to withdraw its application for federal debt and prohibiting Marilee from acquiring federal debt, by any means, during the pendency of any petition for Streamlined Expedited Release ("SER") under Texas Water Code Section 13.2541(e) and Texas Administrative Code Section 24.245. In support Petitioner shows as follows:

1. On May 10, 2021 CCD-North Sky, LLC ("CCD") filed its Petition for SER pursuant to Texas Water Code Section 13.2541 and Texas Administrative Code 24.245 in Docket No. 52101.

2. On October 7, 2021, Marilee Special Utility District ("Marilee") filed its Verified Response to CCD's SER Petition (the "Response"). In its Response, Marilee verifies that it initiated approval of federal debt from United States Department of Agriculture ("USDA") for of \$1,553,000.00 on or about *April 13, 2021*. See Response at ¶ 28, Exs. A, A-6, A-7.

3. Texas Water Code Section 13.2541(e) and Texas Administrative Code Section 24.254(h)(8) specifically prohibit application for Federal Debt while an application for streamlined expedited release is pending.

4. On *April 13, 2021*, related-docket number 50404 was pending, which Marilee acknowledges in the Response. See Response at footnote 31. On or about this date, Marilee

knowingly initiated an application to borrow money under a federal loan program after the date a petition for SER was filed, which was December 30, 2019, and before the Public Utility Commission of Texas (the “Commission”) issued a final decision on the petition, which was October 12, 2021.

5. While Marilee’s application for federal debt was not initiated during the pendency of this docket, it was clearly made in violation of docket number 50404 and impacts every subsequently filed application for SER from Marilee’s certificate of convenience and necessity. Petitioner raises its objection at this time only because it was first made aware of Marilee’s statutory violation on October 7, 2011.

6. Marilee’s application for federal debt is an intentional violation of Texas Water Code Section 13.2541(e) and Texas Administrative Code Section 24.254(h)(8) and not only affects this docket, but docket numbers 52435, 52490, 52497, 52515, 52516, 52517, 52518, 52529, 52530, 52531, 52532, 52533, 52534, 52536, 52542, 52653, and potentially forthcoming docket numbers. Due to Marilee’s attempt to circumvent SER of the property in these matters under an unlawful application of federal debt, Petitioner objects and requests that the Commission issue an order requiring Marilee to withdraw its application for federal debt and prohibiting Marilee from acquiring federal debt through any other means, including merger with another water service provider, until the Commission issues a final decision on the referenced dockets.

WHEREFORE, Petitioner objects to Marilee Special Utility District’s Application for Federal Debt and requests an order requiring Marilee to withdraw its application for federal debt and prohibiting Marilee from acquiring federal debt through any other means, including merger with another water service provider, until the Commission issues a final decision on the above-referenced dockets.

Respectfully submitted,

COATS ROSE, P.C.

By: 

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ATTORNEYS FOR PETITIONER

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 October 15, 2021 in accordance with 16 TEX. ADMIN. CODE §22.74(c).

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