



## Filing Receipt

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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

**CCD-NORTH SKY, LLC'S REPLY TO MARILEE SPECIAL UTILITY DISTRICT'S  
VERIFIED RESPONSE AND COMMISSION STAFF'S RECOMMENDATION ON  
FINAL DISPOSITION**

**TO THE PUBLIC UTILITY COMMISSION OF TEXAS:**

CCD-North Sky, LLC ("Petitioner") files its Reply to Marilee Special Utility District's ("Marilee") Verified Response to its Petition and Public Utility Commission Staff's ("Commission Staff") Recommendation on Final Disposition and shows as follows:

**I. Procedural Background**

On May 10, 2021, Petitioner filed its Petition for streamlined expedited release of approximately 219.67 acres of land (the "Property") from Marilee's Certificate of Convenience and Necessity ("CCN") No. 10150. The Petition was found administratively complete on September 15, 2021. *See* Order No. 10. Marilee filed its Response to the Petition on October 7, 2021. On October 25, 2021, Commission Staff filed its Recommendation on Final Disposition. Petitioner now files its Reply to Marilee's Response to the Petition and Commission Staff's recommendation. This Reply is timely filed pursuant to Order No. 10.

**II. Argument and Authority**

**A. Petitioner concurs with Commission Staff's Recommendation on Final Disposition.**

Commission Staff recommends that the Petition be approved because it satisfies the requirements of Texas Water Code section 13.2541(b) and 16 Texas Administrative Code section 24.245(h). TEX. WATER CODE § 13.2541(b); 16 TEX. ADMIN. CODE § 24.254(h). Specifically, the Petition shows that the Property is located in a qualifying county, is not receiving water service,

and is at least 25 acres. Petitioner agrees with these findings and Commission Staff's recommendation on final disposition.

**B. The Property is not receiving water service.**

In its Response to the Petition, Marilee argues that the Property is receiving water service and does not qualify for decertification on that basis. The portion of the Property that Petitioner seeks to release contains no meters or service lines, and is, therefore, not receiving service. *See Tex. Gen. Land Office v. Crystal Clear Water Supply Corp.*, 449 S.W.3d 130, 140 (Tex. App.—Austin, 2014, pet. denied). This is the standard the Commission considered when granting streamlined expedited release in Docket No. 50404. *See Petition of Sterling Deason O'Donnell and Darwin Deason, Co-Trustees of the Sterling Deason O'Donnell DD 2012 Trust 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*, Docket No. 50404; Order at Conclusion of Law No. 9. Accordingly, the instant Petition should, likewise, be granted.

**C. Marilee's Assertion of Federal Debt does not prevent decertification.**

In Marilee's various pleadings in this, and other dockets, it is unclear whether Marilee is improperly seeking to acquire federal debt during the pendency of applications for decertification or has improperly acquired federal debt with the intention of thwarting all petitions for streamlined expedited release from its CCN, including this one.<sup>1</sup> In any event, there is no federal case law holding that acquisition of federal debt by a CCN hold prevents the Property from being released from its CCN under Texas Water Code section 13.2541. *See TEXAS WATER CODE* § 13.2541. As such, the Petition should be granted.

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<sup>1</sup> Unbeknownst to Petitioner at the time, Marilee improperly applied for federal debt during the pendency of Docket No. 50404. This improper application impacts this docket according to Marilee. *See* Marilee's Response to Petition. Marilee filed its application on April 13, 2021. Docket No. 50404 was pending from December 30, 2021 through October 12, 2021. No federal debt should have been sought during that time period or the pendency of any other docket.

**III. Conclusion and Prayer**

WHEREFORE, Petitioner respectfully requests that the Commission grant the Petition and remove the Property from sewer CCN number 10150.

Respectfully submitted,

**COATS ROSE, P.C**

By:



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Joshua A. Bethke  
State Bar No. 24105465  
14755 Preston Road, Suite 600  
Dallas, Texas 75254  
Telephone: (972) 982-8454  
Facsimile: (972) 702-0662  
Email: [jbethke@coatsrose.com](mailto:jbethke@coatsrose.com)

Natalie B. Scott  
State Bar No. 24027970  
Terrace 2  
2700 Via Fortuna, Suite 350  
Austin, Texas 78746  
Telephone: (512) 469-7987  
Facsimile: (512) 469-9408  
Email: [nscott@coatsrose.com](mailto:nscott@coatsrose.com)

**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 28, 2021 in accordance with 16 TEX. ADMIN. CODE §22.74(c).

**Attorneys for Marilee Special Utility District:**

John J. Carlton and Grayson E. McDaniel  
The Carlton Law Firm, P.L.L.C.  
4301 Westbank Drive, Suite B-130  
Austin, Texas 78746  
Email: [john@carltonlawaustin.com](mailto:john@carltonlawaustin.com)  
Email: [grayson@carltonlawaustin.com](mailto:grayson@carltonlawaustin.com)

**Attorneys for PUC:**

Rachelle Nicolette Robles, Division Director  
Rashmin J. Asher, Managing Attorney  
Courtney N. Dean  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
Email: [Courtney.dean@puc.texas.gov](mailto:Courtney.dean@puc.texas.gov)



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Joshua A. Bethke/Natalie. Scott