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DOCKET NO. 52434

PETITION BY CELINA PARTNERS,	§	PUBLIC UTILITY COMMISSION
LTD. FOR EXPEDITED RELEASE	§	
FROM WATER CCN NO. 10150 HELD	§	OF TEXAS
BY MARILEE SPECIAL UTILITY	§	
DISTRICT IN COLLIN COUNTY	§	
	§	

MARILEE SPECIAL UTILITY DISTRICT’S MOTION FOR CLARIFICATION

COMES NOW, MARILEE SPECIAL UTILITY DISTRICT (“Marilee”) and files this Motion for Clarification of Orders No. 1 and 3 issued by the Public Utility Commission of Texas (“Commission”) in this proceeding. In support of this motion, Marilee respectfully shows as follows:

I. BACKGROUND

On August 16, 2021, Celina Partners, Ltd. (“Petitioner”) filed a Petition for Expedited Release Pursuant to Texas Water Code § 13.2541 and 16 TAC § 24.245(h) (“Petition”) seeking to extract approximately 295.854 acres of Property (“Property”) from the water utility service area Marilee serves under Certificate of Convenience and Necessity (“CCN”) No. 10150 in Collin County, Texas.¹

On August 20, 2021, the Honorable Administrative Law Judge Siemankowski (“ALJ”) entered Order No. 1,² in which, among other things, it requested Commission Staff’s comments on the administrative completeness of the Petition by September 15, 2021 and provided a date of September 22, 2021, for Marilee, as CCN holder, to file a verified response to the Petition.

On August 25, Marilee filed a Motion to Intervene, which was granted.³

On September 14, 2021, Commission Staff filed a Request for Extension, seeking an extension to September 22, 2021 to file comments on the Petition’s administrative completeness.

¹ Petition at 1 (Aug. 16, 2021).
² Order No. 1 – Requiring Comments on Administrative Completeness, Notice, and Other Matters, and Establishing Procedural Schedule (Aug. 20, 2021).
³ Order No. 2 – Granting Intervention (Sept. 15, 2021).

On September 15, the ALJ granted Commission Staff’s Request for Extension and required Commission Staff to file comments on the administrative completeness of the Petition and sufficiency of notice by September 30, 2022.⁴ Order No. 3 did not address the deadline for Marilee and other intervenors’ to file verified responses to the Petition.

II. REQUEST FOR CLARIFICATION

Marilee seeks clarification of the date that its verified response to the Petition is due in this proceeding. Currently, Order No. 1 provides, “by September 22, 2021, Marilee SUD may submit a response, verified by notarized affidavit, to the petition.”⁵ However, the Order also states, “Additional deadlines will be established if the petition is deemed administratively complete.”⁶ Marilee wholly supports Commission Staff’s request for more time to review the Petition and supporting materials before commenting on administrative completeness. Marilee seeks clarification of whether the grant of an extension also affects the date that Marilee’s verified response is due.

Commonly, the Commission enters a procedural schedule in proceedings initiated under TWC § 13.2541 and TAC § 16.245(h) after the petition is ordered to be administratively complete. That procedural schedule sets intervenors’ deadline to file their verified responses as approximately 20 days after the date that the petition was ordered administratively complete. For example, in another decertification proceeding currently pending in the Commission, Order No. 1 similarly provided that “by September 22, 2021, Marilee SUD may submit a response, verified by notarized affidavit, to the petition.”⁷ In that case, Commission Staff recommended finding the petition administratively complete on September 14, 2021.⁸ The Honorable ALJ Ta entered Order No. 3 on September 15, 2021, setting a procedural schedule, among other things, and set a deadline of October 4, 2021 for Marilee SUD or other intervenors to file verified responses to the

⁴ Order No. 3 – Granting Extension (Sept. 15, 2021).

⁵ Order No. 1 at 2.

⁶ *Id.*

⁷ *Petition by Legacy Equestrian Center LLC for Expedited Release Pursuant to Texas Water Code Section 13.2541*, Docket No. 52435, Order No. 1 - Requiring Comments on Administrative Completeness, Notice, and Other Matters, and Establishing Procedural Schedule (Aug. 17, 2021).

⁸ Docket No. 52435, Commission Staff’s Recommendation on Administrative Completeness and Notice (Sept. 14, 2021).

administratively complete petition.⁹ In Docket No. 52435, therefore, Marilee's deadline for filing its verified response has been changed from September 22, 2021 to October 4, 2021.


For the sake of judicial efficiency cost, accuracy, and creating a clear record, Marilee wishes to avoid filing cumulative or duplicative responses to the Petition, and therefore seeks clarification from the ALJ. As the orders currently exist, Marilee would be required to file its verified response to an administratively incomplete petition on September 22, 2021, and then would need to file another verified response after the Petition is eventually ordered administratively complete, assuming that event occurs. Marilee respectfully requests clarification as to whether the ALJ intends for Marilee to file its verified response to the Petition on September 22, 2021, as stated in Order No. 1, or whether Marilee should alternatively consider that deadline implicitly overruled or extended by the Commission's extension of the deadline for Commission Staff's deadline to comment on the administrative completeness of the Petition to September 30, 2021.

III. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Marilee respectfully requests that the Commission grant its Motion for Clarification and enter an order establishing the deadline for Marilee to file its Verified Response to the Petition.

⁹ Docket No. 52435, Order No. 2 – Finding Petition Administratively Complete and Notice Sufficient, and Establishing a Procedural Schedule (Sept. 15, 2021).

Respectfully submitted,


By: 

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ATTORNEYS FOR MARILEE SPECIAL
UTILITY DISTRICT

CERTIFICATE OF SERVICE

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail Return Receipt Requested to all parties on this 16th day of September 2021.



John J. Carlton