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PETITION BY LEGACY EQUESTRIAN CENTER LLC FOR EXPEDITED RELEASE FROM WATER CCN NO. 10150 HELD BY MARILEE SPECIAL UTILITY DISTRICT IN COLLIN COUNTY	§ § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS

MARILEE SPECIAL UTILITY DISTRICT'S
MOTION FOR REHEARING

TO THE HONORABLE PUBLIC UTILITY COMMISSION:

COMES NOW, Marilee Utility District (the "District"), and files this Motion for Rehearing ("Motion") of the Public Utility Commission of Texas's (the "Commission") Order ("Order") amending the District's Certificate of Convenience and Necessity ("CCN") No. 10150 to release property ("Tract of Land") in Collin County, Texas.[1] A party must file a motion for rehearing "not later than the 25th day after the date the decision or order that is the subject of motion is signed."[2] The 25th day after March 1, 2022, is March 26, 2022, and this Motion is timely filed.[3] In support thereof, the District respectfully shows as follows:

I. INTRODUCTION

This proceeding for streamlined expedited release was initiated on August 16, 2021, with the filing of a petition (the "Petition") by Legacy Equestrian Center LLC ("Petitioner"), pursuant to Section 13.2541 of the Texas Water Code ("TWC") and 16 Texas Administrative Code ("TAC") § 24.245(h).[4] The Petition alleges that the Tract of Land is greater than 25 acres, not receiving

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[1] Order (Mar. 1, 2022).

[2] Tex. Gov't Code § 2001.146.

[3] The District files this Motion, in relevant part, to preserve its rights and remedies on appeal. *See, e.g.*, *Suburban Util. Corp. v. Pub. Util. Com.*, 652 S.W.2d 358, 364 (Tex. 1983) ("[A] motion for rehearing is prerequisite to an appeal.") (internal quotation marks omitted).

[4] Petition of Legacy Equestrian Center LLC to Amend Marilee Special Utility District's Certificate of Convenience and Necessity in Collin County by Expedited Release, at 1-2 (Aug. 16, 2021) (seeking to decertify 67.696 acres of property).

water or sewer service, and is entirely within Collin County.[5]

On September 15, 2021, the Honorable Administrative Law Judge ("ALJ") Ta held that the Amended Petition was administratively complete.[6] On October 4, 2021, the District filed a verified response to the Petition, in which the District demonstrated the following through affirmative evidence and sworn affidavits of the District's General Manager and Engineer:

- The affiant who swore that the Tract of Land, which is a horse farm, is not receiving service from the District, Jody O'Donnell, is a longtime customer of the District, and the District Meter Nos. 227 and 344 that provide service to the Tract of Land are in his name;[7]
- Petitioner, known to the District as "Legacy Stables," or "Legacy Equestrian," has received water service from Meter Nos. 277 and 344 since 2001;[8]
- The District's Meter Nos. 277 and 344 are still active, with a last read date (as of the date the verified response was filed) of September 20, 2021;[9] and
- The District has ample waterlines and facilities near the Tract of Land to provide it with water service. These waterlines and facilities include, but are not limited to, the following:
    - Well No. 7, east of the Property;
    - A 10" waterline, east of the Property;
    - An 8" waterline on the south side of the Property;
    - A 6" well line, east of the Property;
    - A 2" waterline on the southeast corner of the Property; and

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[5] *Id.*

[6] Order No. 2 – Finding Petition Administratively Complete and Notice Sufficient, and Establishing Procedural Schedule (Sept. 15, 2021).

[7] *See* Marilee Special Utility District's Verified Response, at 2, 5, 8, Ex. A (Affidavit of Donna Loiselle) at ¶¶ 2, 9-10 (Oct. 4, 2021). Petitioner has never disputed that the Tract of Land is a working horse farm with, as its website claims, "large, lush pastures," (*see, e.g.*, https://www.legacyequestriancenter.net/) or that Mr. O'Donnell owns District Meter Nos. 227 and 344, which serve the Tract of Land. Petitioner has never explained, or been asked to explain, why it omitted that Mr. O'Donnell is a District customer, or how it can explain how a horse farm is operated without water service, as Petitioner has sworn—without factual support—that the Tract of Land receives no water service.

[8] Marilee Special Utility District's Verified Response, at 8; Ex. A (Affidavit of Donna Loiselle) at ¶¶ 2, 9-10.

[9] *Id.*

- A 1 ½" waterline on the east side of the Property.[10]

Despite the verified facts and supporting evidence the District set forth in its verified response, the ALJ entered a proposed order decertifying the Property on November 8, 2021.[11] The District filed Exceptions and Corrections to the proposed order, which were rejected.[12] More than a month later, the ALJ entered a revised Proposed Order, which made non-substantive changes related to the use of the terms "property" and "tract of land."[13] The Commission adopted the proposed order without comment in an open meeting on February 25, 2022. The Commission entered the Order decertifying the Property from the District's CCN on March 1, 2022.

The Commission's decision to grant the Petition was an error. The Commission's Order is based on factual, procedural, and legal errors that require correction in order to prevent the unlawful and inequitable decertification of the Tract of Land from the District and to prevent the District from being materially prejudiced. Accordingly, the District respectfully requests that the Commission grant the District's Motion, reverse the Order, and enter a final order denying the Petition because the Tract of Land is receiving service from the District and is thus ineligible for expedited release under TWC § 13.2541 and 16 TAC § 24.245(h).

II. POINTS OF ERROR

A. Point of Error No. 1—The Commission Erred in Holding that the Tract of Land Is Not Receiving Water Service from the District (FOF Nos. 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and COL Nos. 12 and 13 and Ordering Paragraph 1.).

The TWC authorizes decertification or expedited release only for property "that is not receiving water or sewer service."[14] The TWC broadly defines "service" as:

> any act performed, anything furnished or supplied, and any facilities or lines committed or used by a retail public utility in the performance of its duties...to its patrons, employees, other retail public utilities, and the public, as well as the interchange of facilities

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[10] Marilee Special Utility District's Verified Response, at 9.

[11] Proposed Order and Memorandum (Nov. 8, 2021).

[12] Memorandum Regarding Proposed Order (Dec. 2, 2021).

[13] Revised Proposed Order and Memorandum (Jan. 21, 2022).

[14] TWC § 13.2541(b).

between two or more retail public utilities.[15]

Whether or not a retail public utility has performed "any act," "supplied or furnished" anything, or "committed or used" "any facilities or lines" in in the "performance of its duties" is a fact question. According to the plain text of the definition of "service" and how both the Commission and Texas courts have interpreted it, the question of whether or not a tract is receiving "service" is not dependent upon whether water or sewer is being used or has been requested on the tract sought to be decertified. Instead, a tract is "receiving" water or sewer service if either of the following conditions are met:

- Any facilities or lines are committed or used in the performance of the CCN holder's duties as a retail public utility providing service to the property; or
- Any lines are committed or used in the performance of the CCN holder's duties as a retail public utility.[16]

As defined by TWC § 13.002(9), "facilities" includes "all the plant and equipment of a retail public utility, including all tangible and intangible real and personal property without limitation, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with the business of any retail public utility." *Crystal Clear* held that facilities or lines "used" or "committed" to providing such service can cause a property to "receive service."[17]

The Commission's Order errs in its analysis of whether the Tract of Land receives water service. The Order fails to explain why it concludes that the Tract of Land is "not receiving water service under TWC § 13.002(21) and 13.2541(b) and 16 TAC § 24.245(h), as interpreted [*Crystal Clear*]"[18] when the Order states that the following facts are present:

- "The CCN holder owns and operates two water meters that serve the petitioner's property, but the neither is located within the tract of land and neither provides water service to the

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[15] TWC § 13.002(21); *see also* 16 TAC § 24.3(33) (same definition).

[16] *See id.; see also Tex. Gen. Land Office v. Crystal Clear Water Supply Corp.*, 449 S.W.3d 130, 137 (Tex. App.—Austin 2014, pet. denied).

[17] *Crystal Clear*, 449 S.W.3d at 140.

[18] Order, at COL 12.

tract of land."[19]

- "The CCN holder provides water service to a portion of the petitioner's property which lies outside the tract of land."[20]
- "The CCN holder owns and operates an eight-inch waterline running parallel to, but outside of, the southern boundary of the petitioner's property."[21]
- "The CCN holder owns and operates a ten-inch waterline running parallel to, but outside of, the southeastern boundary of the petitioner's property."[22]

Here, the District has served and is capable of serving the "petitioner's tract of land," as Findings of Fact 24-27 demonstrate. The Tract of Land is thus receiving "service" as interpreted by *Crystal Clear*. There are District facilities currently serving the tract of land on which the Tract of Land is located that are in use to irrigate the Tract of Land, which is a horse farm. The Commission seems to deliberately overlook the fact that the District provides water service to Petitioner's land, including the Tract of Land, and that the District's meters are in the name of Petitioner's president. By the Commission's indifference to these facts, the District is being damaged and materially prejudiced in a way that was not intended by the legislature when the streamlined expedited release process was created.[23]

The Order omits or glosses over additional important evidence that the District has filed in this proceeding to show that it provides water service to the Tract of Land, including:

- Transfer documents reflecting transfer of two memberships with Gunter Water Supply Corporation, which was the District's predecessor, to Mr. O'Donnell for the two District meters that provide water service to the Tract of Land and the land on which is situated.[24]

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[19] *Id.* at FOF 26. Additionally, the Commission provides no explanation as to why it believes the Tract of Land does not receive service from meters that are in the name of Jody O'Donnell and are committed to serve Legacy Equestrian Center.

[20] *Id.* at Finding of Fact 27.

[21] *Id.* at Finding of Fact 24.

[22] *Id.* at Finding of Fact 25.

[23] *See, e.g.*, House Comm. Bill Analysis at 4-5, C.S.H.B. 2876, 79th Leg., R.S. (May 11, 2005) (noting in support that the bill would "would protect private property rights by unwanted imposition of a CCN on a landowner" and "*address problems* where residents of MUDs with *substandard service are unable to receive improvements*" due to the CCN holder's exclusive right to provide service in its area) (emphasis added).

[24] *See* Marilee Special Utility District's Verified Response to Petition for Expedited Release from Its Water

- District billing statements reflect that Meter Nos. 277 and 344 have been supplying water service continually since Mr. O'Donnell transferred the memberships to his name. Both meters serve Legacy Equestrian Center—i.e., Petitioner.[25] Accordingly, the Order is incorrect when it concludes: "There are no billing records or other documents indicating an existing account with the CCN holder for the provision of water service to the tract of land,"[26] and "The CCN holder has not committed or dedicated any facilities or lines to the tract of land for water service."[27]
- Work orders in its files reflecting maintenance work performed on both meters and that the meters are in the name of "Legacy Stables" and "Legacy Equestrian," which both refer to Petitioner.[28]
- District's maps and the District's engineer's affidavit, which describe the ample waterlines and facilities near the Property, including:
  - Well No. 7, east of the Property;
  - A 10" waterline, east of the Property;
  - An 8" waterline on the south side of the Property;
  - A 6" well line, east of the Property;
  - A 2" waterline on the southeast corner of the Property; and
  - A 1 ½" waterline on the east side of the Property.[29]

Because the District has dedicated facilities, water lines, and meters dedicated to the Tract of Land and the property on which the Tract of Land is situated, Petitioner is receiving "service"

CCN No. 10150, Exhibits A-2 (Jody M. O'Donnell's Service Application and Agreement with Gunter); A-3 (Gunter Membership Transfer Information form that was filled out, signed, and notarized by transferee Mr. O'Donnell, dated June 23, 2001); A-4 ($225.00 check made out to Gunter by Jody O'Donnell d/b/a Gateway Stables for the transfer fee for both meters); A-5 (Gunter's Certificates of Membership for Jody O'Donnell for two meters, both dated July 9, 2001).

[25] *See id.* at Exhibit A-1 (District account detail for its Meter No. 227, reflecting that Meter No. 227 is dedicated to Jody O'Donnell with Legacy Equestrian Center, and was last read on September 20, 2021, and account details for District Meter No. 344, reflecting that Meter No. 344 is currently in service, dedicated to Jody O'Donnell with Legacy Equestrian Center, and was last read on September 20, 2021).

[26] Order at FOF 28.

[27] *Id.* at FOF 23.

[28] *Id.* at Exhibit A-6.

[29] *Id.* at Exhibits B, B-1, and B-2.

under TRWC § 13.2541, 16 TAC § 16.245(h), and *Crystal Clear.* The Order's conclusion that the Property is not receiving "service" is error and must be corrected.

If the Commission permits Petitioners to decertify property that the CCN holder can service and is servicing, then the Commission is not taking into account the important public policy of preserving a CCN holder's service area and is subjecting CCN holders to abusive tactics of landowners that were not intended by the legislators when they created the mechanism for streamlined expedited release.[30] For this reason, the District respectfully urges the Commission to grant the District's Motion and issue an order denying the Petition.

B. Point of Error 2 - The Commission Erred by Failing to Hold Petitioner to Its Burden of Proof Under TWC § 13.2541 and 16 TAC § 24.245(h) (FOF Nos. 6, 7, 8, 9, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and COL Nos. 5, 6, 7, 13, and Ordering Paragraph 1.).

In order to carry their burden of establishing that the Tract of Land is not receiving water service, the petitioner in a proceeding brought under TWC § 13.2541 and 16 TAC § 24.245(h) has the burden to prove that the area requested to be decertified is not receiving service. It is arbitrary and capricious for the Commission to decertify property from a CCN when a petitioner fails to set forth facts to establish that the property is not receiving service, as here, where Petitioner set forth only an affidavit that provided no facts regarding water service, but merely unsupported claims.

Under *Crystal Clear*, the Commission must review the present facts and circumstances, including the service application and agreements (including transfer agreements) that cover all the acres of the tract at issue. In *Crystal Clear*, the Austin Court of Appeals held that facilities or lines "used" or "committed" to providing such service might cause a property to "receive service" under the statutory and regulatory definition.[31] But where water lines are actually present within a tract

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[30] *See, e.g.*, House Comm. Bill Analysis at 4-5, C.S.H.B. 2876, 79th Leg., R.S. (May 11, 2005) at 4-5 (stating that TWC § 13.254 was designed to prevent "abuses of CCN authority" where "a landowner looking to develop his or her land might find that although the land was in a CCN, that utility was unable or unwilling to extend service to his or her property." Section 13.254 was not meant to arbitrarily deprive CCN holders of property they are actively servicing.). Streamlined expedited release was created in 2019 to be a simplified offshoot of expedited release that better codified the way CCN holders should be compensated for property decertified from their CCN service area. *See, e.g.*, Acts 2019, 86th Leg., R.S., Ch. 688, General and Special Laws of Texas (enrolled bill to be codified at TWC § 13.2541). The policies considered by the legislature regarding the substance of both TWC §§ 13.254 and 13.2541 are best reflected by the legislative history for TWC § 13.254, which was enacted in 2005 in House Bill 2876.

[31] *Crystal Clear*, 449 S.W.3d at 140.

and "committed" to the property in that manner, the tract is unquestionably "receiving service."

The proper analysis of a Petitioner's burden is reflected in *Johnson County Special Utility District v. Public Utility Comm'n of Texas*.[32] The petitioner in that case provided a detailed affidavit by a land broker on the grounds of the property to be decertified, in which the broker stated that he searched the property, which was inhabited, for several hours and found no district water meters or facilities, only "two shuttered ground well heads" and a "small, elevated water storage tank . . . implying that any dwelling on the [p]roperty required that water pressure be generated locally and not from a retail water utility service provider."[33] The Commission, based on these facts, properly decertified the property as having not water service from at least 2005.[34]

Here, Petitioner has not met its burden of proof to decertify the Tract of Land under TWC § 13.2541. The Order improperly permits Petitioner to decertify Tract of Land that the District is providing service to, as evidenced by the District's existing meters, waterlines, facilities, and billing and membership records. The Commission's approval of Petitioner's "carving out" portions of the Tract of Land from the existing meters, waterlines, and facilities, and acceptance of Petitioner's insufficient affidavit eviscerates Petitioner's burden of proof, and improperly puts all the burden on the District to prove that the Tract of Land is receiving, has received, and is capable of receiving water service under TWC § 13.2541 and *Crystal Clear*.

C. Point of Error 3—The Commission Erred When It Failed to Meet the 60-Day Statutory Deadline to Either Grant or Deny Expedited Release (COL Nos. 1, 6, 13, 16 and Ordering Paragraphs 1.).

The Commission erred in granting the Petition because it did so in violation of TWC § 13.2541(c), which provides, "The utility commission shall grant the petition not later than the 60th day after the date the landowner files the petition." Further, the Order is in clear violation of the Commission's substantive rules, which require the Commission to "issue a decision on a petition" for streamlined expedited release "no later than 60 calendar days after the presiding officer determines that the petition is administratively complete."[35]

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[32] No. 03-17-00160-CV, 2018 WL 2170259 (Tex. App—Austin May 11, 2018, pet. denied) (mem. op.).

[33] *Id.* at **6-7.

[34] *Id.* at **9-10 (citing Commission's Finding of Fact No. 24).

[35] 16 TAC § 24.245(h)(7).

The Petition was filed on August 16, 2021 and was found administratively complete by the ALJ on September 15, 2021.[36] Sixty calendar days after September 15, 2021, is November 14, 2021, the date by which the Commission was required to issue a decision either granting or denying the Petition. In violation of TWC § 13.2541(c) and 16 TAC § 24.245(h)(7), the Commission failed to enter any decision on the Petition until March 1, 2022. As a result of the Commission's errors, the District has been required to proceed through more than three months of additional litigation.

The Commission's error materially prejudiced the District. For example, another Commission rule states that the District should not apply for any federal loan "after the date the petition is filed until the utility commission issues a decision on the petition."37 It is prejudicial but for the District to be prevented from seeking financing for needed improvements solely because the Commission failed to follow its mandatory statutory and rule requirements.

Because of the Commission's error in its treatment of the Petition, the District has been materially prejudiced by, among other things, legal costs, delays to needed financing, and improper limitation and curtailment of its service area.

D. The Commission Erred by Curtailing and Limiting the Service Area of a Federally Indebted Entity Protected by 7 U.S.C. § 1926(b) (FOF Nos. 6, 7, 8, 9, 10, 38, 39, 40, and COL Nos. 6, 9, 10, and Ordering Paragraph 1.).

Pursuant to the Consolidated Farm and Rural Development Act of 1961 and 7 U.S. Code § 1926, the United States Department of Agriculture ("USDA") may make or insure loans to associations and public and quasi-public agencies. To protect a USDA debtor's ability to service its debt, it is prohibited by federal law to "curtail or limit" the service area of a USDA debtor. The statute provides:

> The service provided or made available through any such association shall not be curtailed or limited by inclusion of the area served by such association within the boundaries of any municipal corporation or other public body, or by the granting of any private franchise for similar service within such area during the term of such loan; nor shall the happening of any such event be the basis of

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[36] *See* Order No. 2 – Finding Petition Administratively Complete and Notice Sufficient, Establishing Procedural Schedule (Sept. 15, 2021).

[37] TWC § 13.2541(e); *see also* 16 TAC § 24.245(h)(8) ("The CCN holder must not initiate an application to borrow money under a federal loan program after the date the petition is filed until the commission issues a final decision on the petition.").

> requiring such association to secure any franchise, license, or permit as a condition to continuing to serve the area served by the association at the time of the occurrence of such event.[38]

To be eligible for protection under § 1926(b), the District must show, in addition to federal indebtedness, that it satisfies the "physical abilities" test, as adopted by the U.S. Court of Appeals for the Fifth Circuit, sitting en banc in *Green Valley Special Utility District v. City of Schertz*.[39] Judge Smith, writing for the majority, characterized the "physical abilities" test broadly:

> To make the test easy to apply to both water and sewer service, we hold that a utility must show that it has (1) adequate facilities to provide service to the area within a reasonable time after a request for service is made and (2) the legal right to provide service. A utility cannot satisfy that test if it has no nearby infrastructure. But 'pipes in the ground' is a colloquial shorthand, not a strict requirement.[40]

The en banc court in *Green Valley* cited with approval precedent from the U.S. Court of Appeals for the Sixth Circuit stating that, to satisfy the "physical abilities" test, the utility must have "something in place to merit § 1926(b)'s protection."[41] The Court further explained the broad interpretation, "[s]ervice may be 'available' even if it cannot be immediately used. No water or sewer utility can make service immediately available to rural, undeveloped land; providing such service involves building or installing facilities, which necessarily takes time to accomplish."[42] Based on the District's meters and waterlines located inside the boundaries of the Tract of Land, as reflected in Exhibit B-1, the District is unquestionably providing actual service to the Tract of Land and, accordingly, more than satisfies the "physical abilities" test.

Under *Green Valley*, a federally indebted CCN holder has an equitable cause of action for prospective injunctive relief, preventing ongoing or future limitation or curtailment of its service area by the Commissioners.[43]

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[38] 7 U.S.C § 1926(b).

[39] 969 F.3d 460 (5th Cir. 2020) (en banc).

[40] *Green Valley*, 969 F.3d at 477.

[41] *Id.* at 477 & n.36 (quoting *Lexington—S. Elkhorn Water Dist. v. City of Wilmore*, 93 F.3d 230, 238 (6th Cir. 1996)).

[42] *Id.* at n.38.

[43] *See id.* at 475 ("Because . . . Green Valley has satisfied *Young*'s requirements, its suit for injunctive relief against the PUC Officials may go forward.") (citing *Ex parte Young*, 209 U.S. 123 (1908)).

The District is now consolidated with Mustang Special Utility District ("Mustang SUD") (together with the District, the "Consolidated District"), in accordance with TWC Chapter 65, Subchapter H.[44] Voters within the two districts passed measures consolidating the districts on November 2, 2021 and the elections have been canvassed.[45]

Prior to consolidation with the District, Mustang SUD was already indebted to the United States of America Department of Agriculture, Rural Utilities Service, which purchased bonds from Mustang SUD in 2016, in the amount of $14,142,000 and 2018, in the amount of $1,000,000 (collectively, the "Bonds").[46] The District assumed Mustang SUD's federal indebtedness when the District and Mustang SUD were consolidated.[47] The District will be required to make payments on the Bonds until 2055 (2016 Bonds) and 2058 (2018 Bonds).[48]

On July 12, 2021, the District received approval from the USDA for a Water and Wastewater Guaranteed loan of $1,553,000.[49] The District has not closed on the USDA loan but is working diligently to do so.

As the Consolidated District is federally indebted, and with the scheduled closing of the USDA loan approaching, the District has a federal equitable cause of action against the Commissioners should the Commissioners take action to limit or curtail of its service area.

E. Point of Error 5—The Commission Erred by Omitting Relevant Facts and Law from the Order, Thereby Creating an Unclear Record.

The Order omits significant procedural events that occurred during this proceeding from its Findings of Fact. In order to have a clear record on appeal, the District respectfully requests that the Order be revised to include new Conclusions of Law substantially similar to the following:

- **<u>Proposed COL 2A.</u>** Under TWC § 13.2541(c) and 16 TAC § 24.245(h)(7), the

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[44] *See* TWC § 65.723 ("Two or more districts governed by this chapter may consolidate into one district as provided by this subchapter."); *see also* Exhibit A (Affidavit of Michael Garrison) at ¶¶ 8-9 & accompanying exhibits (affirming that the District has been consolidated with Mustang SUD) and Exhibit C (Affidavit of Chris Boyd) ¶¶ 3-4 & accompanying exhibits (affirming that Mustang SUD has been consolidated with the District).

[45] *See* TWC § 65.724 (describing procedure).

[46] *See* Exhibit C (Affidavit of Chris Boyd), at ¶ 5.

[47] *See* TWC § 65.726

[48] Exhibit C (Affidavit of Chris Boyd), at ¶ 5.

[49] Exhibit A (Affidavit of Michael Garrison), at ¶¶ 5-7 & accompanying exhibits.

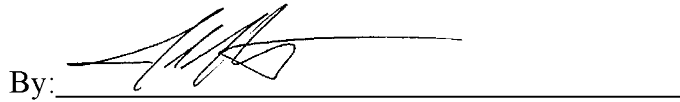
Commission must issue a decision on a petition for streamlined expedited release no later than 60 calendar days after the presiding officer determines that the petition is administratively complete.

- **Proposed COL 6A.** A petitioner seeking streamlined expedited release must file with the Commission a petition and supporting documentation verified by a notarized affidavit and containing (A) a statement that the petition is being submitted under TWC §13.2541 and 16 TAC § 24.245(h); (B) proof that the tract of land is at least 25 acres in size; (C) proof that at least part of the tract of land is located in the current CCN holder's certificated service area and at least some of that part is located in a qualifying county; (D) a statement of facts that demonstrates that the tract of land is not currently receiving service; (E) copies of deeds demonstrating ownership of the tract of land by the landowner; (F) proof that a copy of the petition was mailed to the current CCN holder via certified mail on the day that the landowner filed the petition with the commission; and (G) the mapping information described in 16 TAC § 24.245(k).

III. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, the District respectfully requests that the Commission grant its Motion for Rehearing, deny the Petition, all as set forth above, in all respects and grant the District such additional and further relief to which it may be entitled.

Respectfully submitted,



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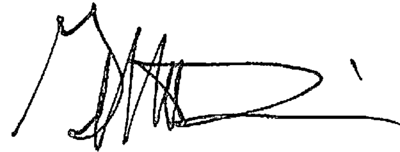
ATTORNEYS FOR MARILEE SPECIAL UTILITY DISTRICT

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 25th day of March 2022.



Grayson E. McDaniel