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**PETITION OF LEGACY EQUESTRIAN §
CENTER LLC TO AMEND MARILEE § PUBLIC UTILITY COMMISSION
SPECIAL UTILITY DISTRICT'S §
CERTIFICATE OF CONVENIENCE § OF TEXAS
AND NECESSITY IN COLLIN §
COUNTY BY EXPEDITED RELEASE §**

**MARILEE SPECIAL UTILITY DISTRICT'S
UNOPPOSED MOTION TO POSTPONE CONSIDERATION
OF THE APPEAL OF ORDER NO. 6**

COMES NOW, Marilee Special Utility District (the "District") and files this, its Unopposed Motion to Postpone Consideration of the Appeal of Order No. 6, in response to the July 8, 2022, memorandum issued by Commission Advising and informing the parties that the "Commission will hear the Appeal of Order No. 6 ... [at] the open meeting scheduled to begin at 9:30 a.m., on August 4, 2022", and in support thereof would show the following:

I. PROCEDURAL HISTORY

1. On August 16, 2021, Petitioner, Legacy Equestrian Center ("Petitioner"), filed its Petition for Expedited Release, seeking to use the Public Utility Commission's ("Commission") streamlined expedited release process to extract approximately 67.696 acres of property (the "Tract of Land") from the water utility service area the District serves under Certificate of Convenience and Necessity ("CCN") No. 10150 in Collin County, Texas.¹ The Administrative Law Judge ("ALJ") found the Petition administratively complete on September 15, 2021.²

2. On March 1, 2022, the Commission issued an Order granting the Petition, releasing the Tract of Land from the District's CCN, and stating as follows:³

The proceeding to determine the amount of compensation to be awarded to the CCN holder, if any, commences with the filing of

¹ See Petition of Legacy Equestrian Center LLC for Expedited Release Pursuant to Texas Water Code Section 13.2541 (the "Petition") (Aug. 16, 2021); Tex. Water Code ("TWC") § 13.2541; 16 Tex. Admin. Code ("TAC") § 24.245(h).

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

³ Order (Mar. 1, 2022).

this Order in accordance with the schedule adopted in Order No. 2. Any decision on compensation will be made by a separate order.⁴

3. On May 10, 2022, Petitioner and the District timely submitted appraisal reports for the Tract of Land, and on June 2, 2022, Commission Staff and the District filed a joint request for clarification and abatement (the “Joint Request”).⁵ In the Joint Request, the parties explained that Petitioner’s counsel informed Commission Staff that Petitioner sold the Tract of Land to an unknown buyer who is not and has never been a party to this proceeding.⁶ Based on these developments, Commission Staff and the District requested “clarification regarding whether the release can proceed at all, given that the property has now changed hands, and, if the release can proceed, what entity will be responsible for the petitioner’s portion of the fee for Staff’s appraiser.”⁷

4. On June 10, 2022, the ALJ entered Order No. 6 denying the Joint Request.⁸ The District’s Appeal of Order No. 6 was filed on June 30, 2022.⁹

5. On July 8, 2022, a memorandum was issued by Commission Advising to the parties of record in this proceeding, informing the parties that the “Commission will hear the Appeal of Order No. 6 ... [at] the open meeting scheduled to begin at 9:30 a.m., on August 4, 2022.”

II. UNOPPOSED REQUEST TO POSTPONE CONSIDERATION OF APPEAL OF ORDER NO. 6

Counsel for the District will be out of state from August 3rd through August 8th, for a previously planned family vacation and will be unable to attend, present oral argument or answer questions presented by the Commissioners at the open meeting scheduled for August 4, 2022. Because of the significant issues raised in the District’s Appeal of Order No. 6, the District requests consideration of the Appeal of Order No. 6 be postponed until the August 25th open meeting.

⁴ *Id.* at Ordering Paragraph 7.

⁵ Joint Request for Clarification and Abatement (June 2, 2022).

⁶ *See id.* at 1 (“Staff recently learned from counsel for Legacy Equestrian that the property for which the petitioner seeks release is no longer owned by Legacy Equestrian,” and “Staff has been unable to ascertain the name of the new property owner.”).

⁷ *Id.*


⁸ Order No. 6 - Clarification (June 10, 2022).

⁹ Marilee Special Utility District’s Appeal of Order No. 6 (Jun. 30, 2022).

Counsel for the District has conferred with both Petitioner's counsel and the Commission Staff Attorney assigned to this matter. Neither is opposed to this postponement.

WHEREFOR, PREMISES CONSIDERED, Marilee Special Utility District respectfully requests that the Commission's consideration of the Appeal of Order No. 6, which is currently scheduled for August 4, 2022, be postponed until the Commission's next open meeting scheduled for August 25, 2022, and for such other and further relief in law or equity to which the District may show to be entitled.

Respectfully submitted,


By: 

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**ATTORNEY 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 the 26th day of July 2022.



John J. Carlton