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DOCKET NO. 52435

PETITION BY LEGACY	§	PUBLIC UTILITY COMMISSION
EQUESTRIAN CENTER LLC FOR	§	
EXPEDITED RELEASE FROM	§	OF TEXAS
WATER CCN NO. 10150 HELD 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 2 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, Legacy Equestrian Center LLC (“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 67.696 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 17, 2021, the Honorable Administrative Law Judge Ta (“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 is pending for decision.³

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 14, 2021, Commission Staff filed comments on the Petition's administrative completeness and notice and recommended that the Petition be found administratively complete.⁴

On September 15, the ALJ entered Order No. 2, finding the Petition administratively complete and, among other things, set a procedural schedule under which Marilee's verified response to the Petition is due on October 4, 2021.⁵ Order No. 3 did not address the September 22, 2021, deadline for Marilee and other intervenors' to file verified responses to the Petition, set in Order No. 1.

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."⁶ However, the Order also states, "Additional deadlines will be established if the petition is deemed administratively complete."⁷ Order No. 3 set a deadline of October 4, 2021 for Marilee SUD or other intervenors to file verified responses to the administratively complete petition.⁸ Therefore, Marilee's seems to have two deadlines for filing its verified response: September 22, 2021 and 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. Marilee seeks clarification of whether the date that Marilee's verified response is due has been implicitly changed, overruled, or extended to October 4, 2021, or, alternatively, if the ALJ prefers that Marilee to file a verified response on both September 22, 2021, as stated in Order No. 1, and October 4, 2021, as stated in Order No. 3.

⁴ Commission Staff's Recommendation on Administrative Completeness and Notice (Sept. 14, 2021).

⁵ Order No. 2 – Finding Petition Administratively Complete and Notice Sufficient, and Establishing Procedural Schedule (Sept. 15, 2021).

⁶ Order No. 1 at 2.


⁷ *Id.*

⁸ Docket No. 52435, Order No. 2 – Finding Petition Administratively Complete and Notice Sufficient, and Establishing a Procedural Schedule (Sept. 15, 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.

Respectfully submitted,

By: 

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ATTORNEYS FOR MARILEE SPECIAL
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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