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PETITION BY HC CELINA 414, LLC	§	PUBLIC UTILITY COMMISSION
FOR EXPEDITED RELEASE FROM	§	
WATER CCN NO. 10150 HELD BY	§	
MARILEE SPECIAL UTILITY	§	
DISTRICT IN COLLIN COUNTY	§	OF TEXAS
	§	

MARILEE SPECIAL UTILITY DISTRICT’S OBJECTION TO AND MOTION TO STRIKE PETITIONER’S FIRST REQUEST FOR INFORMATION QUESTION NOS. 1-1 THROUGH 1-18

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS (“COMMISSION”):

COMES NOW, MARILEE SPECIAL UTILITY DISTRICT (the “District”) and files this Objection to and Motion to Strike (“Motion”) HC Celina 414, LLC (“Petitioner”) First Request for Information Question Nos. 1-1 through 1-18 (“Request”), filed in this proceeding on May 9, 2022.¹ In support of this motion, the District respectfully shows as follows:

**I.
BACKGROUND**

1. On September 1, 2021, Petitioner filed a petition for expedited release, pursuant to Texas Water Code (“TWC”) § 13.2541 and 16 Texas Administrative Code (“TAC”) § 24.245(h), seeking to extract approximately 413.88 acres of property from the water utility service area the District serves under Certificate of Convenience and Necessity (“CCN”) No. 10150 in Collin County, Texas.²

2. On November 22, 2021, Petitioner filed a First Amended Petition (the “Petition”), which revised the property to be released to 406.7 acres (the “Tract of Land”).³

¹ Petitioner’s First Request for Information to Marilee Special Utility District Petitioner’s Questions Nos. 1-1 through 1-18 (May 9, 2022).

² Petition at 2 (Sep. 1, 2021).

³ First Amended Petition by HC Celina 414, LLC for Expedited Release Pursuant to Texas Water Code Section 13.2541 (Nov. 22, 2021).

3. After the Petition was ordered to be administratively complete,⁴ the District filed its verified response, detailing why the Petition should be denied, including that the Tract of Land receives actual water service from the District.⁵

4. On April 4, 2022, the Commission entered an order (“Order”) granting the Petition and decertifying the Tract of Land from the District’s CCN.⁶

5. On April 29, 2022, the District filed a Motion for Rehearing,⁷ which no Commissioner voted to add to any open-meeting agenda.⁸

6. On May 9, 2022, Petitioner filed 18 requests for information (the “RFIs”), requesting a variety of financial and other information from the District, which was improper, as this case is final and the Tract of Land has already been decertified from the District’s CCN.⁹

II.

OBJECTION AND MOTION TO STRIKE

7. As Petitioner should be aware, there is no right to discovery in a proceeding for streamlined expedited release under TWC § 13.044 and 16 TAC § 24.45(h).¹⁰ “Because streamlined expedited release cases are not contested cases and there is no right to a hearing in

⁴ Order No. 5 – Finding Petition Administratively Complete and Notice Sufficient, and Establishing Procedural Schedule (Dec. 3., 2021).

⁵ Marilee Special Utility District’s Verified Response to Petition of HC Celina 414, LLC to Amend Certificate of Convenience and Necessity in Collin County by Expedited Release (Dec. 23, 2021).

⁶ Order (Apr. 4, 2022).

⁷ Marilee Special Utility District’s Motion for Rehearing (Apr. 29, 2022).

⁸ Docket Notification (May 9, 2022).

⁹ Petitioner’s First Request for Information to Marilee Special Utility District Petitioner’s Questions Nos. 1-1 through 1-18 (May 9, 2022).

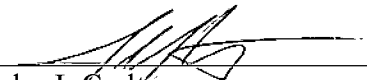
¹⁰ See, e.g., *Petition of Sater, LP to Amend Marilee Special Utility District’s Certificate of Convenience and Necessity in Collin County by Expedited Release*, Docket No. 52739, Order No. 8 – Declining to Rule on Discovery Motion (Feb. 28, 2022) (“Consistent with prior rulings in streamlined expedited release cases, there is no right to conduct discovery in such cases.”) (citing *Petition of River Bridge Ranch, LLC to Amend Crystal Clear Special Utility District’s Certificate of Convenience and Necessity in Hays and Guadalupe Counties by Streamlined Expedited Release*, Docket No. 52889, Order No. 3 (Feb. 16, 2022); *Petition of H-M-W Special Utility District to Rodney Earl Mohnke, Stephen Lee Mohnke, Melvin Max Mohnke, Kenneth Wayne Mohnke, Kathleen Ann Mohnke-Blakely, and Mel Mohnke, Trustee of the Mohnke Living Trust Dated December 7, 1996, to Amend H-M-W Special Utility District’s Certificate of Convenience and Necessity in Harris County by Expedited Release*, Docket No. 51973, Order No. 9 (Sept. 10, 2021)).

such cases, there is also no right to conduct discovery in such cases.”¹¹ Petitioner has, accordingly, no right to request responses to the RFIs from the District, and the District accordingly objects to and moves to strike the RFIs because there is no right to discovery in a case brought under TWC § 13.2541 and 16 TAC § 24.245(h).

III.
PRAYER

WHEREFORE, PREMISES CONSIDERED, District respectfully objects to the RFIs and requests that the Commission enter an order striking the RFIs, and any other relief in law and equity to which the District may be entitled.

Respectfully submitted,

By: 

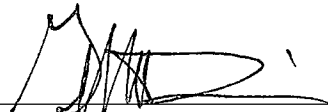
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ATTORNEYS FOR MARILEE SPECIAL
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¹¹ Docket No. 52889, Order No. 3 (Feb. 16, 2022).

CERTIFICATE OF CONFERENCE

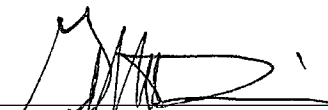
I hereby certify that, on May 16, 2022, I emailed counsel for Petitioner, Natalie Scott, to attempt to confer regarding the discovery dispute described in this Motion. As of the time of this filing, Ms. Scott has not responded.



Grayson E. McDaniel

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 19th day of May 2022.



Grayson E. McDaniel