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DOCKET NO. 52518

PETITION OF CLIFTON VAN	§	PUBLIC UTILITY COMMISSION
MCKNIGHT AND BRYAN JEFFERY	§	
MCKNIGHT TO AMEND MARILEE	§	
SPECIAL UTILITY DISTRICT'S	§	
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY IN COLLIN	§	
COUNTY BY EXPEDITED RELEASE	§	

**CLARIFICATION OF OPPOSITION TO COMMISSION STAFF'S
REQUEST TO RESTYLE THE DOCKET AND ORDER NO. 4,
AND MOTION TO DISMISS PETITION**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE SIEMANKOWSKI:

COMES NOW Marilee Special Utility District (the "District"), by and through undersigned counsel, and files this clarification of its Response in Opposition to Commission Staff's Unopposed Request for Extension and Request to Restyle the Docket, and Order No. 4, and Motion to Dismiss the Petition ("Opposition and Motion to Dismiss") filed today, December 1, 2021, in this docket.

CLARIFICATION

The District wishes to clarify the Opposition and Motion to Dismiss, as it may not be sufficiently clear as to the part of Commission Staff's Unopposed Request for Extension and Request to Restyle the Docket ("Request") the District opposes. Commission Staff did not confer with the District regarding an extension, but the District does not oppose, and wholly supports, Commission Staff's request for an extension for more time to consult with Commission Staff's experts to file Staff' supplemental recommendation on administrative completeness.¹

The Opposition and Motion to Dismiss opposes Commission Staff's request to restyle this docket and respectfully requests that Order No. 4, which permitted the restyling of the docket, be reconsidered and withdrawn to the extent that it permits the restyling of this docket.² The District's Opposition and Motion to Dismiss also moves to dismiss the Petition for failing to state a claim upon which relief may be granted, pursuant to 16 TAC § 22.181, because the Petitioners in this

¹ Commission Staff's Unopposed Request for Extension and Request to Restyle the Docket at 1 (Nov. 23, 2021).

² Opposition and Motion to Dismiss at ¶¶ 15-17.

proceeding, Clifton Van McKnight and Bryan Jeffrey McKnight, do not own the property that is the subject of their petition,³ and accordingly cannot satisfy Texas Water Code § 13.2541's requirement that the landowner *owns a tract of land* that is at least 25 acres, that the tract of land is located in a qualifying county, and that the tract of land is not receiving service of the type that the current CCN holder is authorized to provide under the applicable CCN.⁴

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 the 1st day of December 2021.



John J. Carlton

³ Opposition and Motion to Dismiss at ¶¶ 12-14.

⁴ TWC § 13.2541 (emphasis added); *see also* 16 TAC § 24.245(h).