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PETITION OF CENTRAL FRISCO,	§	PUBLIC UTILITY COMMISSION
LTD TO AMEND MARILEE SPECIAL	§	
UTILITY DISTRICT’S CERTIFICATE	§	OF TEXAS
OF CONVENIENCE AND NECESSITY	§	
IN COLLIN COUNTY BY EXPEDITED	§	
RELEASE	§	

MARILEE SPECIAL UTILITY DISTRICT’S MOTION FOR CLARIFICATION OR, ALTERNATELY, AN EXTENSION

COMES NOW, MARILEE SPECIAL UTILITY DISTRICT (“Marilee”) and files this Motion for Clarification of Order No. 1 issued by the Public Utility Commission of Texas (“Commission”) in this proceeding or, alternatively, an extension of the deadline for Marilee’s Verified Response. In support of this motion, Marilee respectfully shows as follows:

**I.
BACKGROUND**

1. On September 8, 2021, Petitioner Central Frisco, Ltd. (“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 196.87 acres of Property (the “Property”) from the water utility service area Marilee serves under Certificate of Convenience and Necessity (“CCN”) No. 10150 in Collin County, Texas.¹

2. On September 9, 2021, the Honorable Administrative Law Judge Siemankowski (“ALJ”) entered Order No. 1,² which, among other things, requested Commission Staff’s comments on the administrative completeness of the Petition by October 8, 2021 and provided a date of October 15, 2021, for Marilee, as CCN holder, to file a verified response to the Petition.

¹ Petition at 2 (Sep. 8, 2021).

² Order No. 1 – Requiring Comments on Administrative Completeness, Notice, and Other Matters, and Establishing Procedural Schedule (Sept. 9, 2021).

3. On October 1, 2021, Marilee filed a Motion to Intervene, which is pending for decision.³

4. On October 8, 2021, Commission Staff filed its Recommendation on Administrative Completeness of the Petition and Notice, in which Commission Staff identified deficiencies in the Petition, recommended that the Petition be found administratively incomplete and that Petitioner be ordered to cure the deficiencies by November 8, 2021, and recommending that Staff be given a deadline of December 8, 2021 to file a supplemental recommendation on the administrative completeness of the petition.⁴ Commission Staff did not propose a procedural schedule, stating that one would be proposed when the Petition was recommended to be administratively complete.⁵

5. On October 14, 2021, Commission Staff filed an Amended Recommendation on Administrative Completeness of the Petition and Notice, in which Commission Staff again identified deficiencies in the Petition, recommended that the Petition be found administratively incomplete and that Petitioner be ordered to cure the deficiencies by November 8, 2021, and recommending that Staff be given a deadline of December 8, 2021 to file a supplemental recommendation on the administrative completeness of the petition.⁶ Commission Staff did not propose a procedural schedule, stating that one would be proposed when the Petition was recommended to be administratively complete.⁷

6. The ALJ has not yet issued an order regarding the administrative completeness of the Petition.

³ Motion to Intervene (Oct. 1, 2021).

⁴ Commission Staff's Recommendation on Administrative Completeness and Notice at 1 (Oct. 8, 2021).

⁵ *Id.*

⁶ Commission Staff's Amended Recommendation on Administrative Completeness and Notice at 1 (Oct. 14, 2021).

⁷ *Id.*

II.

REQUEST FOR CLARIFICATION

7. Marilee seeks clarification of the due date for its verified response to the Petition in this proceeding. Currently, Order No. 1 provides, “by October 15, 2021, Marilee SUD may submit a response, verified by notarized affidavit, to the petition.”⁸ However, the Order also states, “Additional deadlines will be established if the petition is deemed administratively complete.”⁹

8. Marilee wholly supports Commission Staff’s recommendation that the Petition is administratively incomplete and Commission Staff’s proposed deadlines for cure and supplemental recommendation on administrative completeness. Marilee seeks clarification of whether Commission Staff’s recommended findings affect the date that Marilee’s Verified Response is due.

9. Commonly, the Commission enters a procedural schedule in proceedings initiated under TWC § 13.2541 and TAC § 16.245(h) after the petition is ordered to be administratively complete. That procedural schedule sets intervenors’ deadline to file their verified responses as approximately 20 days after the date that the petition was ordered administratively complete.

10. 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. As the orders currently exist, Marilee would be required to file its Verified Response to the administratively incomplete Petition on October 15, 2021, and then would need to file another Verified Response after the Petition is eventually ordered administratively complete, assuming that event occurs. Marilee respectfully requests clarification as to whether the ALJ intends for Marilee to file its Verified Response to the Petition on October 15, 2021, as stated in Order No. 1, or whether Marilee should alternatively consider that deadline implicitly overruled or extended by Commission Staff’s recommendation that the Petition is

⁸ Order No. 1 at 1.

⁹ *Id.*


administratively incomplete and Commission Staff's proposed deadlines for cure and supplemental recommendation on administrative completeness.

11. If the ALJ determines that the due date for Marilee's Verified Response to the Petition is October 15, 2021, Marilee respectfully requests that the ALJ grant an extension of that deadline to October 29, 2021, for Marilee to have additional time to review Commission Staff's findings.

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,

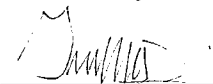
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ATTORNEYS FOR MARILEE SPECIAL
UTILITY DISTRICT

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 14th day of October 2021.



Grayson E. McDaniel