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DOCKET NO. 52916

PETITION OF CHARLES D. CARTER	§	PUBLIC UTILITY COMMISSION
TO AMEND MARILEE SPECIAL	§	
UTILITY DISTRICT'S CERTIFICATE	§	OF TEXAS
OF CONVENIENCE AND NECESSITY	§	
IN COLLIN COUNTY BY	§	
STREAMLINED EXPEDITED	§	
RELEASE	§	

ORDER NO. 6
REJECTING FIRST AMENDED PETITION AND REQUEST TO RESTYLE DOCKET

In this case, Charles D. Carter seeks streamlined expedited release from Marilee Special Utility District's certificate of convenience and necessity (CCN). The petition was filed on December 3, 2021, and concerns a roughly 146-acre tract apparently owned by Carter Family Farms, LLC. Exactly two weeks after filing the petition, on December 17, 2021, Carter Family Farms sold the tract in question to Sater LP. Thus, since December 17, 2021, the petitioner has lacked any legal right to pursue release of the tract. And yet, during the ensuing three-and-a-half months, the parties have engaged in discovery, 11 pleadings have been filed by the parties, and no less than five orders have been filed by the administrative law judge (ALJ). **In other words, everyone's time has been wasted on processing a petition which the petitioner lacked the legal right to pursue.**

On March 22, 2022, a "First Amended Petition" was ostensibly filed by Sater. Sater explains that it now owns the 146-acre tract, that it also owns a roughly 130-acre tract,¹ and that it would like to obtain release for the combined 276 acres. Sater asks that the style of this case be changed to reflect that Sater, not Mr. Carter, is the petitioner.

The request to restyle the petition is denied and the attempt to substitute Sater as the petitioner is denied. The proper course of action would be for Mr. Carter to move to withdraw his

¹ The 130-acre tract was itself the subject of its own streamlined expedited release case, *Petition by Glenda Sue Winker for Expedited Release from Water CNN No. 10150 Held by Marilee Special Utility District in Collin County*, Docket No. 52917, Order No. 5 Granting Motion to Withdraw and Dismissing Petition (March 11, 2022). Like the present docket, Docket No. 52917 wasted the time and resources of all concerned—the petition was filed on December 3, 2021, the petitioner sold the property on December 17, 2021, and then time and resources were expended on a petition that could not possibly be granted.

petition in this docket so that it can be closed. If Sater wishes to pursue streamlined expedited release it must file a new petition in a new docket.

By April 12, 2022, Mr. Carter must file a motion to withdraw. If he fails to do so, Commission Staff may file a motion to dismiss by April 18, 2022.

It is not necessary to grant Commission Staff's request for an extension filed on April 4, 2022, because there is no longer a need to determine whether the petition in this case is administratively complete.

Signed at Austin, Texas the 6th day of April 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE