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DOCKET NO. 52917

PETITION BY GLENDA SUE WINKER	§	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 MOTION TO INTERVENE
TO THE HONORABLE CHIEFADMINISTRATIVE LAW JUDGE BURKHALTER:

COMES NOW, MARILEE SPECIAL UTILITY DISTRICT (the “District”) and files this Motion to Intervene in response to Petitioner Glenda Sue Winker’s (“Petitioner”) Petition for Expedited Release Pursuant to Texas Water Code § 13.2541 that initiated this docket (“Petition”). The Petition seeks to use the streamlined expedited release process, found at Texas Water Code (“TWC”) § 13.2541 and 16 Texas Administrative Code (“TAC”) § 24.245(h), to extract approximately 126.17 acres of Property (“Property”) from the water utility service area the District serves under Certificate of Convenience and Necessity (“CCN”) No. 10150 in Collin County, Texas.¹

In support of this motion, the District respectfully shows as follows:

1. On December 3, 2021, Petitioner filed a Petition for streamlined expedited release to decertify the Property from the District’s certificated water service territory, CCN No. 10150, pursuant to TWC § 13.2541 and 16 TAC § 24.245(h).²
2. The Petition alleges that the Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Collin County.³
3. Should the Petition be granted, the District will be deprived of its exclusive right to provide retail water utility service to the particular area of the District’s water CCN No. 10150 that includes the Property.⁴

¹ Petition at 2 (Dec. 3, 2021).
² Petition at 1 (Dec. 3, 2021).
³ *Id.* at 2.
⁴ TWC § 24.225(a).

4. Therefore, the District seeks to participate in this proceeding as an Intervenor. The Commission's rules define who can intervene:

A person has standing to intervene if that person:

(1) has a right to participate which is expressly conferred by statute, commission rule or order or other law; or

(2) has or represents persons with a justiciable interest which may be adversely affected by the outcome of the proceeding.⁵

5. The District has a right to participate in this proceeding. The District has a justiciable interest in maintaining its CCN areas and protecting its investments in its infrastructure that may be adversely affected by the outcome of this proceeding. Therefore, the District requests party status to allow it to continue to argue and respond to substantive issues raised in this proceeding, including but not limited to the determination of property rendered useless or valueless. The staff and consulting engineer of the District are currently investigating and verifying the water facilities of the District.
6. Because the District has a justiciable interest which may be adversely affected by the outcome of the proceeding, the Commission should grant the District party status as an Intervenor.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the District respectfully requests that the Commission grant its Motion to Intervene to make it a party to this proceeding, and grant the District any further relief in law or equity to which the District may be entitled.

⁵ 16 TAC § 22.103(B).

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 16th day of December 2021.

