



Filing Receipt

Received - 2022-02-17 10:04:47 AM
Control Number - 52917
ItemNumber - 9

DOCKET NO. 52917

PETITION OF GLENDA SUE WINKER	§	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. 4
FINDING PETITION ADMINISTRATIVELY INCOMPLETE AND PROVIDING
OPPORTUNITY TO CURE

This Order addresses the December 3, 2021 petition of Glenda Sue Winker to amend Marilee Special Utility District’s water certificate of convenience and necessity (CCN) in Collin County by streamlined expedited release. On February 15, 2022, Commission Staff filed its supplemental recommendation on the administrative completeness of the petition and notice.

The administrative law judge (ALJ) agrees with Commission Staff that the petition is administratively incomplete, and so finds. The petition is filed by Glenda **Sue** Winker. The deed provided with the petition demonstrates that the tract of land in question is owned by the Glenda **Carter** Winker Revocable Trust. On January 11, 2022, the petitioner filed a Certification of Trust that, according to petitioner’s counsel, proves “that Petitioner is the sole beneficiary of the trust.” The ALJ sees nothing in the Certification of Trust proving that Glenda **Sue** Winker (or Glenda **Carter** Winker, or anyone else) is the beneficiary of the trust. Further, the ALJ does not believe the identity of the beneficiary of the trust is relevant. Rather, the petition in this case must be brought by the owner of the tract of land in question.

According to the Certification of Trust, Glenda Carter Winker is the trustee of the Glenda Carter Winker Revocable Trust. Is Glenda **Carter** Winker the same person as the Glenda **Sue** Winker who is the petitioner in this case? If they are, the ALJ believes the petition should be amended using the following case style: “Petition of Glenda Carter Winker, trustee of the Glenda Carter Winker Revocable Trust, to Amend Marilee Special Utility District’s Certificate of Convenience and Necessity in Collin County by Streamlined Expedited Release.” Does the petitioner agree? If so, she must file an amended petition using the new case style by the date set forth below. If not, she should supplement the petition with adequate documentation to demonstrate her ownership of the tract in question.

The following procedural schedule applies for continued processing:

Event	Date
Deadline for petitioner to file an amended petition with the information to cure deficiencies and answer the questions posed above	March 11, 2022
Deadline for Commission Staff to file a supplemental recommendation on sufficiency of the petition and notice and propose a procedural schedule	March 25, 2022

A deadline for Marilee SUD to file a response to the petition will be established in a subsequent order. Additional deadlines will be established if the petition is deemed administratively complete.¹

Signed at Austin, Texas the 17th day of February 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

Q:\CADM\Docket Management\Water\CCN_EXPEDITED\52xxx\52917-4 def_cure.docx

¹ Under 16 Texas Administrative Code § 24.245(h)(6), Marilee SUD's deadline to respond will not exceed 20 days from the date the petition is determined to be administratively complete.