



## Filing Receipt

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**DOCKET NO. 52293**

<b>PETITION OF MERITAGE HOMES</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>OF TEXAS, LLC, TO AMEND THE</b>	<b>§</b>	
<b>CITY OF MELISSA'S CERTIFICATE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>OF TEXAS CONVENIENCE AND</b>	<b>§</b>	
<b>NECESSITY IN COLLIN COUNTY BY</b>	<b>§</b>	
<b>EXPEDITED RELEASE</b>	<b>§</b>	

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS AND NOTICE**

On June 30, 2021, Meritage Homes of Texas, LLC (Meritage) filed a petition for streamlined expedited release from the City of Melissa's (Melissa) water certificate of convenience and necessity (CCN) number 11482 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h).<sup>1</sup> Meritage asserts that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Collin, which is a qualifying county.

On August 19, 2021, the administrative law judge (ALJ) filed Order No. 4, establishing a deadline of September 6, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments regarding the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition and, as detailed in the attached memorandum from Jolie Mathis, Infrastructure Division, and Section II below, recommends that the petition is deficient, and that Meritage be ordered to remedy the notice issues consistent with the proposed procedural schedule outlined below.

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<sup>1</sup> On August 19, 2021, Order No. 1 was filed by the administrative law judge granting the request by Meritage Homes to sever this application from the pending application in Docket No. 52293 and requiring Meritage to file this application by August 23, 2021. This proceeding, Docket No. 52293, will address the petition of Meritage Homes for streamlined expedited release from water CCN number 11482 held by City of Melissa in Collin County.

## **II. NOTICE SUFFICIENCY**

Under 16 TAC § 24.245(h)(3)(f), a landowner seeking streamlined expedited release must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition to the Commission. Meritage stated in its filing that it provided a copy of its petition to the CCN holder, Melissa, by electronic mail on the day the petition was filed with the Commission but did not include an affidavit attesting to this provision of notice nor did it request a good cause exception to the rules to allow for use of electronic mail instead of certified mail. Accordingly, Staff recommends that the notice is deficient, and that Meritage be ordered to re-notice Melissa consistent with 16 TAC § 24.245(h)(3)(f).

## **III. PROPOSED PROCEDURAL SCHEDULE**

In accordance with Staff's deficiency recommendation, Staff proposes the following procedural schedule:

<b>Event</b>	<b>Deadline</b>
Deadline for Meritage to file proof of revised notice	September 21, 2021
Deadline for Commission Staff to file a supplemental recommendation on sufficiency of notice and proposed procedural schedule for the continued processing of this petition	October 5, 2021

## **IV. CONCLUSION**

Staff recommends that the application be deemed deficient and that the above-proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with the above recommendation.

Dated: September 7, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Rustin Tawater  
Managing Attorney

/s/ Forrest Smith  
Forrest Smith  
State Bar No. 24093643  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7388  
(512) 936-7268 (facsimile)  
Forrest.Smith@puc.texas.gov

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**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on September 7, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith  
Forrest Smith

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Forrest Smith, Attorney  
Legal Division

**FROM:** Jolie Mathis, Utility Engineering Specialist  
Infrastructure Division

**DATE:** September 7, 2021

**RE:** Docket No. 52293 – *Petition of Meritage Homes of Texas, LLC to Amend City of Melissa's Water Certificate of Convenience and Necessity in Collin County by Expedited Release*

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On August 23, 2021, Meritage Homes of Texas, LLC (Meritage Homes) filed a petition for streamlined expedited release from City of Melissa's water certificate of convenience and necessity (CCN) No. 11482 in Collin County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h).<sup>1</sup> Meritage Homes asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Collin County, which is a qualifying county.

Meritage Homes submitted a sworn affidavit attesting that the property was not receiving water service from the City of Melissa and a warranty deed confirming Meritage Homes' ownership of the tract of land. Based on the mapping review by Tracy Montes, Infrastructure Division, the revised maps and data submitted on August 23, 2021 are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within the City of Melissa's water CCN.

Based on the mapping review by Ms. Montes, it was determined the tract of land is approximately 273.5 acres. The proposed area to be released from the City of Melissa is approximately 199.9 acres

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<sup>1</sup> On August 19, 2021, Order No. 1 was filed by the administrative law judge granting the request by Meritage Homes to sever this application from the pending application in Docket No. 52293 and requiring Meritage to file this application by August 23, 2021. This proceeding, Docket No. 52293, will address the petition of Meritage Homes for streamlined expedited release from water CCN number 11482 held by City of Melissa in Collin County.

Meritage stated in its filing that it provided a copy of its petition to the CCN holder, City of Melissa, by electronic mail on the day the petition was filed with the Commission but did not include an affidavit attesting to this provision of notice nor did it request a good cause exception to the rules to allow for use of electronic mail instead of certified mail. Based on my review of the information filed by Meritage, I recommend that the application be deemed administratively incomplete and not accepted for filing.

The following deficiencies remain and must be remedied:

- Staff requests that Meritage file proof of revised notice to City of Melissa by certified mail.