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Received - 2021-09-22 12:05:54 PM

Control Number - 52293

ItemNumber - 15

DOCKET NO. 52293

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

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON SUFFICIENCY
OF NOTICE AND PROPOSED PROCEDURAL SCHEDULE**

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).¹ 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 September 13, 2021, the administrative law judge (ALJ) filed Order No. 5, establishing a deadline of September 22, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on sufficiency of the notice and to propose a procedural schedule for the further processing of this docket. Therefore, this pleading is timely filed.

I. SUPPLEMENTAL RECOMMENDATION ON SUFFICIENCY OF NOTICE

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 that it mailed a copy of its petition to the CCN holder, Melissa, by certified mail on the day the petition was filed with the Commission but did not include an affidavit attesting to this provision of notice.

¹ 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.

On September 8, 2021, Meritage subsequently filed an affidavit attesting that a copy of the revised notice was sent by certified mail to Melissa. Accordingly, Staff recommends that the notice is sufficient.

II. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for Melissa and intervenors to file a response to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for Commission Staff's recommendation on final disposition	34 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a reply to both Melissa's response and Commission Staff's recommendation on final disposition	41 days from the date of the order finding the petition administratively complete
Sixty-day administrative approval of streamlined expedited release	60 days from the date of the order finding the petition administratively complete
<i>In the event streamlined expedited release is granted and the petitioner and Melissa can select an agreed-upon appraiser</i>	
Deadline for petitioner and Melissa to select an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for appraiser's report	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to Melissa	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to Melissa	Within 90 days of the Commission's final order on compensation
<i>In the event streamlined expedited release is granted and petitioner and Melissa are unable to select an agreed-upon appraiser</i>	
Deadline for petitioner and Melissa to make a filing stating that they have been unable to select an agreed-upon appraiser and affirming that they will pay half of the cost of Commission Staff's appraiser ²	Within 10 days after the Commission approves streamlined expedited release ³
Deadline for reports from petitioner's appraiser and from Melissa's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to Melissa	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to Melissa	Within 90 days of the Commission's final order on compensation

² It is critical for Staff to know as soon as possible after the Commission grants the petition whether Staff needs to secure the services of a third appraiser. If the petitioner and CCN holder are unable to agree, and fail to make this filing, Staff may need additional time to file its appraiser's report.

III. CONCLUSION

For the reasons detailed above, Staff recommends that the notice be found sufficient and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: September 22, 2021

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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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 22, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith
Forrest Smith