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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 RECOMMENDATION
ON SUPPLEMENTAL MAPPING INFORMATION**

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) No. 11482 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Meritage asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Collin, which is a qualifying county. Meritage filed supplemental mapping information and a suggested correction to Order No. 8 on March 28, 2022.

On April 21, 2022, the administrative law judge (ALJ) filed Order No. 9, establishing a deadline of May 4, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation regarding the supplemental mapping information. Therefore, this pleading is timely filed.

I. RECOMMENDATION ON SUPPLEMENTAL MAPPING INFORMATION

Staff has reviewed the petition and, as detailed in the attached memorandum from Jolie Mathis, Infrastructure Division, recommends that the petition, as supplemented with revised mapping information, is administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition. Staff will comment on the merits in a revised recommendation on final disposition to include a revised final map. In accordance with this revision, Staff respectfully requests that the ALJ rescind Order No. 8, in which streamlined expedited release for an incorrect amount of acreage was granted. Alternatively, Staff respectfully requests that the ALJ make a correction to Order No. 8, pending the filing of Staff's revised recommendation on final disposition and revised final map.

II. PROPOSED PROCEDURAL SCHEDULE

Under 16 TAC § 24.245(h)(7), there is an expedited deadline of 60 days for approval of the requested release that begins once the ALJ issues an order finding a petition administratively complete. Based on the preceding recommendations, Staff recommends that such deadlines should not be established at this stage in the proceeding. Specifically, Melissa did not file a verified response to the petition pursuant to Order No. 7. As such, Staff recommends that it is not necessary to dispense with similar deadlines that were established in Order No. 7. Therefore, Staff proposes the following procedural schedule and requests that the ALJ populate the deadlines accordingly when the ALJ issues that order. Staff has conferred with counsel for Meritage and is authorized to state that Meritage is unopposed to this proposed procedural schedule.

Event	Date
Deadline for Staff's revised recommendation on final disposition	May 25, 2022
<i>In the event streamlined expedited release is granted and petitioner and Melissa can select an agreed-upon appraiser</i>	
Deadline for petitioner and Melissa to make a filing stating that they have selected an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release, <i>as revised</i>
Deadline for appraiser's report	Within 70 days after the Commission approves streamlined expedited release, <i>as revised</i>
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 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 ¹	Within 10 days after the Commission approves streamlined expedited release, <i>as revised</i> ²

¹ TWC § 13.2541(i).

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.

Deadline for reports from petitioner's appraiser and Melissa's appraiser	Within 70 days after the Commission approves streamlined expedited release, <i>as revised</i>
Deadline for Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release, <i>as revised</i>
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

III. CONCLUSION

For the reasons detailed above, Staff recommends that the petition, as supplemented with revised mapping information, be found administratively complete, that Order No. 8 be rescinded or alternatively corrected, pending Staff's revised recommendation on final disposition, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: May 4, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Scott Miles
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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 May 4, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles

Public Utility Commission of Texas

Memorandum

TO: Scott Miles, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: May 4, 2022

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

On August 23, 2021, Meritage Homes of Texas, LLC (Meritage) 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). Meritage 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.

Based on the mapping review by Tracy Montes, Infrastructure Division, the map and the revised digital data submitted on March 28, 2022 (Item 19) is sufficient. The revised digital data changed the location of the tract of land due to a scaling and formatting error in comparison to the digital data filed on August 23, 2021 (Item 10). The new location for the tract of land results in approximately 60 acres to be decertified from the City of Melissa's CCN No. 11482, instead of the previous calculation of approximately 199.9 acres.

Therefore, Staff will need to create a new map showing the new location for the tract of land to be decertified from CCN No. 11482.

Tracy Montes determined the following:

The tract of land in the petition for streamline expedited release is approximately 273.5 acres, of which approximately 60 acres overlap the City of Melissa (CCN No. 11482) and would be decertified from CCN No. 11482.

Based on my technical and managerial review and the mapping review by Tracy Montes of the information provided by Meritage on March 28, 2022, I recommend the petition be deemed administratively complete and accepted for filing.