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Received - 2022-05-12 09:45:43 AM
Control Number - 52293
ItemNumber - 23

DOCKET NO. 52293

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

ORDER NO. 10
WITHDRAWING PRIOR FINDING OF ADMINISTRATIVE COMPLETENESS,
WITHDRAWING PRIOR ORDER GRANTING STREAMLINED EXPEDITED
RELEASE, FINDING PETITION AS SUPPLEMENTED WITH REVISED MAPPING
ADMINISTRATIVELY COMPLETE, AND ESTABLISHING A PROCEDURAL
SCHEDULE

In Order No. 7 filed on September 24, 2021, the administrative law judge (ALJ) found the petition at issue in this matter to be administratively complete and notice sufficient. In Order No. 8 filed on February 2, 2022, the ALJ granted the streamlined expedited release sought by Meritage Homes of Texas, LLC.

On March 28, 2022, Meritage Homes disclosed that the mapping upon which its petition had been based contained errors. On the same date, Meritage Homes filed corrected mapping. In Order No. 9 filed on April 21, 2022, the ALJ gave Commission Staff a deadline of May 4, 2022 to file a recommendation on the corrected mapping. On May 4, 2022, Commission Staff: (1) filed a supplemental recommendation on the corrected mapping; (2) recommended that the petition, as supplemented by the corrected mapping, be deemed administratively complete; and (3) requested that the ALJ rescind Order No. 8, in which streamlined expedited release for an incorrect amount of acreage was granted.

Because the underlying mapping contained errors, the administrative completeness determination in Order No. 7 and the release granted in Order No. 8 must be withdrawn. Accordingly, the administrative law judge (ALJ) withdraws: (1) the finding of administrative completeness in Order No. 7; and (2) the streamlined expedited release granted in Order No. 8.

The ALJ finds the petition, as now supplemented with revised mapping information, administratively complete.

III. Establishing Procedural Schedule

Under Texas Water Code (TWC) § 13.2541, the granting of streamlined expedited release initiates an appraisal process to determine the amount of monetary compensation that may be owed by the landowner to the certificate holder for the tract of land that was released. Therefore, an order granting approval for streamlined expedited release is interim in nature and, in the event the requested release is approved, the docket will continue for the purpose of determining the issue of compensation.

The following procedural schedule applies in this case:

Event	Date
Deadline for CCN holder and intervenors to file a response to the administratively complete petition	June 1, 2022
Deadline for Commission Staff's recommendation on final disposition	June 15, 2022
Deadline for petitioner to file a reply to CCN holder's response and Commission Staff's recommendation on final disposition	June 22, 2022
60-day administrative approval of expedited release	July 11, 2022
<i>In the event expedited release is granted and the petitioner and CCN holder can select an agreed-upon appraiser</i>	
Deadline for petitioner and CCN holder to select an agreed-upon appraiser	Within 10 days after the Commission approves expedited release
Deadline for appraiser's report	Within 70 days after the Commission approves expedited
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to CCN holder	Within 60 days after appraiser's report
Deadline for petition to pay any compensation due to CCN holder	Within 90 days of Commission's final order on compensation
<i>In the event expedited release is granted and petitioner and CCN holder are unable to select an agreed-upon appraiser</i>	
Deadline for petitioner and CCN holder 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
Deadline for reports from petitioner's appraiser and from CCN holder's appraiser	Within 70 days after the Commission approves expedited release

¹ Texas Water Code § 13.2541(i).

Deadline for Commission Staff's appraiser's report	Within 100 days after the Commission approves expedited
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to CCN holder	Within 60 days after Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to CCN holder	Within 90 days of Commission's final order on compensation

Signed at Austin, Texas the 12th day of May 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



GREGORY R. SIEMANKOWSKI
ADMINISTRATIVE LAW JUDGE