



Filing Receipt

Received - 2022-09-13 04:11:43 PM

Control Number - 52293

ItemNumber - 27

DOCKET NO. 52293

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

PUBLIC UTILITY COMMISSION

OF TEXAS

**NOTICE OF APPROVAL
MAKING A DETERMINATION ON COMPENSATION**

In this Notice of Approval, the Commission determines that, for the streamlined expedited release granted in this docket, Meritage Homes of Texas, LLC owes compensation to the City of Melissa under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamlined expedited release and removed a tract of land from the City of Melissa's certificated service area under certificate of convenience and necessity (CCN) number 11482. The Commission's determination on compensation is based on an agreement between Meritage Homes and City of Melissa.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. Meritage Homes is an Arizona limited liability company registered with the Texas secretary of state under filing number 800832535.

CCN Holder

2. City of Melissa is a Texas water district under chapters 49 and 65 of the Texas Water Code (TWC).
3. CCN holder holds CCN number 11482 that obligates the utility to provide retail water service in its certificated service area in Collin County.

Petition

4. On August 23, 2021, the petitioner filed a petition for streamlined expedited release of a tract of land from the CCN holder's service area under CCN number 11482.
5. In Order No. 11 filed on July 1, 2022, the Commission granted the petition and released the tract of land from the CCN holder's certificated service area.

6. Ordering paragraph seven of Order No. 11 stated that, if streamlined expedited release was granted, this docket would continue for the purpose of determining compensation in accordance with the schedule adopted in Order No. 10.

Appraisers and Appraisals

7. No appraisers are needed to determine compensation in this docket because of the agreement between the petitioner and the CCN holder.

Compensation

8. On August 30, 2022, the petitioner and the CCN holder filed a joint notice of agreement regarding compensation, in which they agreed that compensation is owed to the CCN holder as a result of the streamlined expedited release.
9. In the agreement, the petitioner and the CCN holder have agreed on the amount, filed under seal, that is owed for the streamlined expedited release.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority to determine the amount of compensation to be awarded after granting streamlined expedited release under TWC §§ 13.254 and 13.2541.
2. No notice is required to determine the amount of compensation.
3. No opportunity for a hearing to determine compensation for streamlined expedited release is provided under TWC § 13.2541 or 16 Texas Administrative Code (TAC) § 24.245(h)(7).
4. The determination on compensation under TWC § 13.2541 and 16 TAC § 24.245(i) is not a contested case.
5. Under 16 TAC § 24.245(i)(2)(B), if the petitioner and CCN holder agree on the amount of compensation to be paid, they may forego the appraisal process and make a joint filing with the Commission stating the amount of the compensation to be paid.
6. Compensation in the amount filed under seal is owed by the petitioner to the CCN holder for the release under TWC § 13.2541.
7. The Commission processed the petition in accordance with the TWC and Commission rules.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The petitioner must pay to the CCN holder compensation in the amount filed under seal within 90 days from the date of this Notice of Approval.¹
2. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the 13th day of September 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



**GREGORY R. SIEMANKOWSKI
ADMINISTRATIVE LAW JUDGE**

q:\cadm\doCKET management\water\ccn_expedited\53xxx\52293-noa compensation_conf.docx

¹ This implements the payment deadline mandated by 16 TAC § 24.254(i)(6). The parties are free to agree, via contract, to a shorter payment deadline.