



## Filing Receipt

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**Control Number - 52442**

**ItemNumber - 12**

**DOCKET NO. 52442**

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

**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 North Collin Special Utility District's (NC SUD) water certificate of convenience and necessity (CCN) number 11035 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 September 14, 2021, the administrative law judge (ALJ) filed Order No. 2, 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, NC SUD, 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.

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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. 52442, will address the petition of Meritage Homes for streamlined expedited release from water CCN number 11035 held by North Collin SUD 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 NC SUD. Accordingly, Staff recommends that the notice is sufficient.

## II. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for NC SUD 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 <sup>2</sup>
Deadline for petitioner to file a reply to both NC SUD'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 <sup>3</sup>
<b><i>In the event streamlined expedited release is granted and the petitioner and NC SUD can select an agreed-upon appraiser</i></b>	
Deadline for petitioner and NC SUD 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 NC SUD	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to NC SUD	Within 90 days of the Commission's final order on compensation
<b><i>In the event streamlined expedited release is granted and petitioner and NC SUD are unable to select an agreed-upon appraiser</i></b>	
Deadline for petitioner and NC SUD 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 <sup>4</sup>	Within 10 days after the Commission approves streamlined expedited release <sup>5</sup>
Deadline for reports from petitioner's appraiser and from NC SUD's appraiser	Within 70 days after the Commission approves streamlined expedited release
<sup>2</sup> 16 Texas Administrative Code § 22.4(a) <sup>3</sup> <i>Id.</i> Deadline for Commission Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release

<sup>4</sup> TWC § 13.2541(i).

<sup>5</sup> 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**

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 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