



## Filing Receipt

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**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  
ADMINISTRATIVE COMPLETENESS AND MOTION FOR AMENDED  
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) No. 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 22, 2021, the Staff (Staff) of the Public Utility Commission of Texas (Commission) filed its recommendation that the application be found administratively complete. The application was found administratively complete by the administrative law judge (ALJ) on September 24, 2021. On December 10, 2021, the ALJ filed Order No. 9, establishing a deadline of January 7, 2021 for Staff to file its final recommendation. Therefore, this pleading is timely filed.

**I. COMMISSION STAFF'S REQUEST FOR AMENDED PROCEDURAL  
SCHEDULE**

While reviewing the maps and data submitting by Meritage, Staff inadvertently made an error in the GIS analysis which impacted the amount of acreage to be released from NC SUD's

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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.

CCN No. 11035. The total acreage to be released from NC SUD is actually 273.5 acres, as opposed to the 76.3 acres Staff previously noted in its September 7, 2021 filing.

In order to provide a complete and accurate evidentiary record, Staff files this revised recommendation on administrative completeness and, as further outlined in the attached memoranda of Jolie Mathis of the Commission Infrastructure Division, continues to recommend that the application be found administratively complete. Additionally, Staff requests that its deadline to file its revised recommendation on final disposition be extended to January 14, 2022, and that the remaining deadlines in the procedural schedule be adjusted accordingly except for the sixty-day administrative approval deadline, which remains as February 14, 2022, as established in Order No. 9.

## II. PROPOSED AMENDED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

| Event  | Date   |
|--|--|
| Deadline for Commission Staff's recommendation on final disposition  | January 14, 2022   |
| Deadline for petitioner to file a reply to both NC SUD's response and Commission Staff's recommendation on final disposition   | January 21, 2022   |
| Sixty-day administrative approval of streamlined expedited release   | February 14, 2022  |
| <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>2</sup>   | Within 10 days after the Commission approves streamlined expedited release |
| <sup>3</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. |  |

|  |   |
|--|---|
| Deadline for reports from petitioner's appraiser and from NC SUD'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 |

### **III. CONCLUSION**

For the reasons discussed above, Staff respectfully requests the entry of an order amending the procedural schedule as proposed above.

Dated: December 20, 2021

Respectfully submitted,

#### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Rustin Tawater  
Managing Attorney

/s/ Forrest Smith  
Forrest Smith  
State Bar No. 24093643  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7388  
(512) 936-7268 (facsimile)  
Forrest.Smith@puc.texas.gov

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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 December 20, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith  
Forrest Smith

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Forrest Smith, Attorney  
Legal Division

**FROM:** Jolie Mathis, Utility Engineering Specialist  
Infrastructure Division

**DATE:** December 20, 2021

**RE:** Docket No. 52442 – *Petition of Meritage Homes of Texas, LLC to Amend North Collin Special Utility District's Water Certificate of Convenience and Necessity in Collin County by Expedited Release*

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On August 23, 2021, Meritage Homes of Texas, LLC (Meritage Homes) filed a petition for streamlined expedited release from North Collin Special Utility District's (North Collin SUD) water certificate of convenience and necessity (CCN) No. 11035 in Collin County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h).<sup>1</sup> Meritage Homes 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.

In Commission Staff's (Staff) recommendation on administrative completeness and notice dated September 7, 2021, Tracy Montes the Commission's Infrastructure Division determined the revised maps and data submitted with Item 3 on August 23, 2021 were sufficient. Staff continues to recommend that the mapping documentation filed by Meritage Homes remains sufficient.

After further analysis of North Collin SUD's water service area, Ms. Montes confirmed that the water service area previously thought to be certificated to the City of Melissa (CCN No. 11482) instead makes up the northern portion of North Collin SUD's (CCN No. 11035) service area. As a result, Ms. Montes corrected the acreage considered for release from CCN No. 11035. The tract of land considered for release from North Collin SUD (CCN No. 11035) is approximately 273.5 acres, instead of 73.6 acres.

This correction does not change Staff's recommendation that the application and mapping data filed in this docket are sufficient for further processing.

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