



## Filing Receipt

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**PUC DOCKET NO. 52442**

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

**MERITAGE HOMES OF TEXAS, LLC'S  
REQUEST TO AMEND THE PROCEDURAL SCHEDULE**

**I. BACKGROUND**

Meritage Homes of Texas, LLC ("Meritage") files this Request to Amend the Procedural Schedule in response to Order No. 13 filed on May 17, 2022. By way of background, Meritage filed a petition for streamlined expedited release from the North Collin Special Utility District (North Collin SUD) water Certificate of Convenience and Necessity (CCN) No. 11035 on August 18, 2021. On February 25, 2022, the administrative law judge (ALJ) filed a Proposed Order and Memorandum, establishing a deadline of March 11, 2022 for the parties to file corrections and exceptions to the Proposed Order. Meritage and the Staff (Staff) of the Public Utility Commission of Texas (Commission) determined that mapping discrepancies existed that impact the amount of acreage to be released in this docket. On March 16, 2022, Meritage and Staff filed a joint extension request to file any corrections or exceptions to the Proposed Order.

On March 21, 2022, the ALJ filed a second Proposed Order Memorandum, establishing a deadline of April 28, 2022 for the parties to file corrections or exceptions to the Proposed Order. On April 27, 2022, Staff requested an extension until May 13, 2022 to file a recommendation on the administrative completeness of Meritage's revised maps and an extension to file a revised final recommendation, with a revised final map, that will serve as corrections or exceptions to the Proposed Order.

The ALJ filed Order No. 12 on May 6, 2022, in which the ALJ withdrew the Proposed Order filed on February 25, 2022, and withdrew the finding of administrative completeness in Order No. 5 filed on September 24, 2021. Order No. 12, filed by the ALJ on May 6, 2022, required Staff to file a recommendation on administrative completeness, along with a proposed procedural schedule for further processing of the petition.

On May 13, 2022, Staff filed their Recommendation on Administrative Completeness and Notice. The filing by Staff on May 13, 2022, proposed the standard procedural schedule for further processing of the petition. Jolie Mathis provided a Memorandum attached to Commission Staff's Recommendation filed on May 13, 2022. The Memorandum from Jolie Mathis states that Meritage provided the revised mapping and digital data on March 28, 2022, and that the Infrastructure Division recommends the petition mapping items are sufficient and that the Staff will need to create a revised and updated map to include with Commission Staff's Final Recommendation on Final Disposition.

On May 17, 2022, the ALJ filed Order No. 13, which found the petition administratively complete. In Order No. 13, the ALJ determined that notice was sufficient under Order No. 5, filed on September 24, 2021, and established the procedural schedule for processing.

## **II. AMENDMENT REQUEST TO PROCEDURAL SCHEDULE**

Order No. 13 provided a deadline of June 6, 2022 for the CCN holder to file a response to the administratively complete petition. The petitioner must file a reply to CCN holder's response by June 13, 2022. Staff must file Staff's Recommendation on Final Disposition on June 27, 2022. The current approval date listed in the procedural schedule is July 15, 2022, which is almost one year after the initial August 2021 filing of the application with the Commission.

Meritage and Staff have conferred and determined that the previous responsive documents filed by North Collin SUD on November, 12, 2021 are acceptable to fulfill the responsive items, which North Collin SUD would be allowed to file on the June 6, 2022, deadline

currently provided in the current procedural schedule established in Order No. 13. Specifically, pursuant to Staff's Recommendation on Final Disposition on January 14, 2022, North Collin SUD's arguments were flawed with respect to the issue whether the tract of land is receiving service and that the question of a federal loan impairs the Commission from processing the application. First, the fact that the property had previously received water service is not relevant for consideration and the presence of the 2-inch water line on the property, without more, does not provide any evidence how the line is currently committed to providing service to the property. Second, the ALJ previously addressed the federal preemption question in Order No. 11 that was filed on February 23, 2022. In Order No. 11, the ALJ determined that the question of whether North Collin SUD possesses a federal loan is immaterial to the determination to be made in this case.

Meritage and Staff recommend that North Collin SUD's legal argument will remain unchanged despite the revisions to the maps and location of the tract of land. Additionally, Meritage has conferred with Staff on the procedural schedule proposed by Staff and is authorized to state that, in error, Staff recommended the standard procedural schedule for streamlined expedited release dockets that was adopted by the ALJ in Order No. 13. As such, with Staff's agreement, and based on the fact that North Collin SUD's legal arguments will remain unchanged, Meritage requests that the schedule be amended for Staff file its Revised Final Recommendation on Disposition by June 6, 2022 and for the ALJ to file a Proposed Order and Memorandum by June 20, 2022. Staff's Revised Final Recommendation will include the revised and updated map items based on the documents filed by Meritage on March 28, 2022, and as discussed in the May 13, 2022, Memorandum from Jolie Mathis.

### **III. PROPOSED PROCEDURAL SCHEDULE**

<b>Event</b>	<b>Date</b>
Deadline for Commission Staff's Revised Final Recommendation on final disposition	June 6, 2022
Deadline for Final Proposed Order and Memorandum	June 20, 2022

### **IV. CONCLUSION AND PRAYER**

Meritage has fully satisfied the criteria under TWC § 13.2541 for decertification of acreage from NCSUD's CCN. Meritage respectfully requests that the proposed procedural schedule be amended in the interest of preventing the parties from having to repeat filings previously made and preventing further delay of the docket. Meritage has consulted with Staff and Staff is unopposed to the requested amendment to the previously filed procedural schedule. For all the reasons discussed herein, Meritage respectfully requests that the Honorable Administrative Law Judge grant the Request to Amend the Procedural Schedule.

Respectfully submitted,

WINSTEAD PC

/s/ Scott W. Eidman  
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**ATTORNEY FOR PETITIONER**

**CERTIFICATE OF SERVICE**

I hereby certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record vial electronic mail on May 27, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott W. Eidman  
Scott W. Eidman