



## **Filing Receipt**

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**Item Number - 8**

**DOCKET NO. 55200**

<b>PETITION OF D.R. HORTON - TEXAS,</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>LTD. TO AMEND CADDO BASIN</b>	<b>§</b>	
<b>SPECIAL UTILITY DISTRICT'S</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN HUNT AND</b>	<b>§</b>	
<b>COLLIN COUNTIES BY</b>	<b>§</b>	
<b>STREAMLINED EXPEDITED</b>	<b>§</b>	
<b>RELEASE</b>	<b>§</b>	

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS AND NOTICE**

On July 5, 2023, D.R. Horton - Texas, Ltd. (D.R. Horton) filed a petition to amend Caddo Basin Special Utility District's certificate of convenience and necessity (CCN) number 10165 in Hunt County by streamlined expedited release.

On August 14, 2023, the administrative law judge (ALJ) filed Order No. 3, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on administrative completeness of the petition, propose a procedural schedule, and confirm that its recommendation that notice was sufficient remains unchanged with the addition of Collin County to the petition by October 11, 2023. Therefore, this pleading is timely filed.

**I. SUPPLEMENTAL RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS**

Staff has reviewed the petition and recommends that the petition be deemed to be administratively incomplete, as detailed in the attached memorandum from Chase Lipscomb, Infrastructure Division. Staff further recommends that D.R. Horton be ordered to cure the deficiencies identified in Mr. Lipscomb's memorandum by November 13, 2023, and that Staff be given a deadline of December 13, 2023, to file a supplemental recommendation on the administrative completeness of the petition and notice.

Staff respectfully notes that these deficiencies are related to petition content and mapping information and Staff's mapping experts may be required to assist D.R. Horton regarding the supplemental mapping information requested to cure the mapping deficiencies. Therefore, Staff will require at least thirty days to review any supplemental information provided by D.R. Horton.

## **II. 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. D.R. Horton attached proof to its petition that it mailed a copy of its petition to the CCN holder, Caddo Basin SUD by certified mail on the day the petition was filed with the Commission. However, since the mapping information in the petition is deficient, the notice may need to be re-issued the notice using the maps which are deemed sufficient.<sup>1</sup> As such, Staff recommends that notice be found deficient under 16 Texas Administrative Code (TAC) § 24.235.

## **III. PROCEDURAL SCHEDULE**

In accordance with Staff's deficiency recommendation as to the administrative completeness of the petition, Staff does not propose a procedural schedule. Staff intends to propose a procedural schedule, which will include notice deadlines and supplemental Staff recommendation on notice, alongside a subsequent recommendation that the petition be found administratively complete.

## **IV. CONCLUSION**

For the reasons detailed above, Staff recommends that the petition be found administratively incomplete, and that D.R. Horton be ordered to file supplemental information to cure the deficiencies in the petition by November 13, 2023, and that Staff be given a deadline of December 13, 2023, to file a supplemental recommendation on the administrative completeness of the petition and proposed procedural schedule. Staff respectfully requests the entry of an order consistent with these recommendations.

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<sup>1</sup> *Application Of Forest Glen Utility Company To Amend Its Certificate Of Convenience And Necessity In Medina County*, Docket No. 54488, Order No. 8 (Sept. 12, 2023).

Dated: October 11, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**DOCKET NO. 55200**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document will be provided to all parties of record via electronic mail on October 11, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Rachel Seshan  
Rachel Seshan

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Rachel Seshan, Attorney  
Legal Division

**FROM:** Chase Lipscomb, Infrastructure Analyst  
Infrastructure Division

**DATE:** October 11, 2023

**RE:** Docket No. 55200 – *Petition of D.R. Horton - Texas, LTD. to Amend Caddo Basin Special Utility District's Certificate of Convenience and Necessity in Hunt and Collin Counties by Streamlined Expedited Release*

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On July 5, 2023, D.R. Horton, Texas LTD (D.R. Horton) filed a petition for streamlined expedited release from Caddo Basin Special Utility District's (Caddo Basin SUD) water Certificate of Convenience and Necessity (CCN) No. 10165 in Hunt and Collin counties, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). D.R. Horton asserts that the land is at least 25 contiguous acres, is not receiving water service, and is partially located in Collin County, which is a qualifying county.

Based on the mapping review and my technical and managerial review of the additional information provided by D.R. Horton on September 11, 2023, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

### **Mapping Content:**

Based on the mapping review by Hank Journeay, Infrastructure Division, the maps and digital mapping data submitted with Item 7 on September 11, 2023, are deficient.

D.R. Horton must submit the following items to resolve the mapping deficiencies:

- A general location map identifying only the tract of land, in reference to the nearest county boundary, city, or town.
- A detailed map identifying only the tract of land, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
- Digital mapping data for the tract of land, as a single polygon record, in a shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet).

Staff recommends D.R. Horton obtain additional mapping guidance from the PUCT's mapping staff, Hank Journey by email at [hank.journey@puc.texas.gov](mailto:hank.journey@puc.texas.gov) to resolve the mapping deficiencies. In addition, the applicant is advised to carefully review the PUCT's CCN Mapping Information webpage at:  
<https://www.puc.texas.gov/industry/water/utilities/gis.aspx>.