



Control Number: 49366



Item Number: 5

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DOCKET NO. 49366

PETITION OF FROST BANK §  
NATIONAL BANK, AS TRUSTEE OF §  
THE FREEMAN EDUCATIONAL §  
FOUNDATION TO AMEND THE CITY §  
OF SAN MARCOS' WATER §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY IN HAYS COUNTY §  
BY EXPEDITED RELEASE §

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OF TEXAS

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

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 1, files this Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed deficient and that the applicant be ordered to address the identified deficiencies. In support thereof, Staff shows the following:

**I. BACKGROUND**

On March 22, 2019, Frost Bank National Bank, as trustee of the Freeman Educational Foundation (Frost Bank), filed a petition for expedited release of an approximately 476-acre tract of land within the boundaries of the City of San Marcos' water certificate of convenience and necessity number 10298 in Hays County, under Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(1). Frost Bank asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Hays County, which is a qualifying county.

On March 25, 2019, the administrative law judge issued Order No. 1, setting a deadline of April 22, 2019, for Staff to file comments on the administrative completeness of the application, the sufficiency of the proposed notice, and to propose a procedural schedule. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum from Gregory Charles in the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that it be found administratively incomplete. Staff recommends that Frost Bank be ordered to cure the deficiencies

identified in Mr. Charles's memorandum by May 22, 2019, and that Staff be given a deadline of June 21, 2019, to file a supplemental recommendation on the administrative completeness of the application.

### **III. COMMENTS ON PROCEDURAL SCHEDULE**

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of this docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation for application sufficiency.

### **IV. CONCLUSION**

For the reasons discussed above, Staff respectfully recommends that the application be found administratively incomplete at this time and that Frost Bank be ordered to file a supplement addressing the identified deficiencies in the application by May 22, 2019.

Dated: April 22, 2019

Respectfully submitted,

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

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney

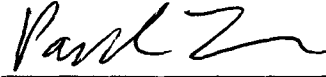


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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on April 22, 2019, in accordance with 16 TAC § 22.74.

A handwritten signature in black ink, appearing to read "Patrick D. Todd", written over a horizontal line.

Patrick D. Todd

## PUC Interoffice Memorandum

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**To:** Patrick Todd, Attorney  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**From:** Greg Charles, Engineer  
Water Utility Regulation Division

**Date:** April 22, 2019

**Subject:** **Docket No. 49366:** *Petition of Frost Bank National Bank, as Trustee of the Freeman Educational Foundation to Amend the City of San Marcos' Water Certificate of Convenience and Necessity in Hays County by Expedited Release*

On March 22, 2019, Frost Bank National Bank, as Trustee of the Freeman Educational Foundation (Petitioner), filed a petition for expedited release from the City of San Marcos' water certificate of convenience and necessity No. 10298 in Hays County, under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(l). The Petitioner asserts that the land is at least 25 acres, is not receiving water service, and is located in Hays County, which is a qualifying county.

Staff has reviewed the petition and recommends that it be deemed insufficient for filing and administratively incomplete due to the deficiencies detailed below.

### **Mapping Deficiencies**

The petition lacks information required by 16 TAC § 24.245(m). The map provided in the petition is not consistent with the digital data provided. The digital data provided is not consistent with the data available through the Hays County Appraisal District, nor with the metes and bounds descriptions.

Staff recommends the petitioner file the following:

1. A general location map identifying only the requested area, in reference to the nearest county boundary, city, or town.
2. A detailed map identifying only the requested area, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads.
3. Digital mapping data for the requested area, as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet); **OR** metes and bounds survey sealed or embossed by either a licensed state surveyor or a registered professional land surveyor.

Staff recommends the Petitioner obtain additional mapping guidance from the PUC's mapping staff, Gary Horton at (512) 936-7146 or [gary.horton@puc.texas.gov](mailto:gary.horton@puc.texas.gov) to resolve the mapping deficiencies.