



## Filing Receipt

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**ItemNumber - 11**

**DOCKET NO. 52694**

<b>PETITION OF BEN F. VAUGHAN, III,</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>AND FROST BANK, AS CO-TRUSTEES</b>	<b>§</b>	
<b>OF THE GENEVIEVE TARLTON</b>	<b>§</b>	<b>OF TEXAS</b>
<b>DOUGHERTY TRUST NO. 2, FOR BEN</b>	<b>§</b>	
<b>F. VAUGHAN, III; JAMES CULLEN</b>	<b>§</b>	
<b>VAUGHAN, AS TRUSTEE OF THE</b>	<b>§</b>	
<b>JAMES CULLEN VAUGHAN GST</b>	<b>§</b>	
<b>EXEMPT TRUST; AND CATHERINE A.</b>	<b>§</b>	
<b>PAYER, AS TRUSTEE OF THE</b>	<b>§</b>	
<b>RACHEL CATHERINE VAUGHAN</b>	<b>§</b>	
<b>GST EXEMPT TRUST, AS TRUSTEE</b>	<b>§</b>	
<b>OF THE DANIEL BENJAMIN</b>	<b>§</b>	
<b>VAUGHAN GST EXEMPT TRUST, AND</b>	<b>§</b>	
<b>AS TRUSTEE OF THE PATRICK</b>	<b>§</b>	
<b>MICHAEL VAUGHAN GST EXEMPT</b>	<b>§</b>	
<b>TRUST TO AMEND AQUA WATER</b>	<b>§</b>	
<b>SUPPLY CORPORATION’S SEWER</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN BASTROP</b>	<b>§</b>	
<b>COUNTY BY EXPEDITED RELEASE</b>	<b>§</b>	

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

On October 12, 2021, Ben F. Vaughan, III, and Frost Bank, as Co-Trustees of the Genevieve Tarlton Dougherty Trust No. 2, for Ben F. Vaughan, III; James Cullen Vaughan, as Trustee of the James Cullen Vaughan GST Exempt Trust; and Catherine A. Payer, as Trustee of the Rachel Catherine Vaughan GST Exempt Trust, as Trustee of the Daniel Benjamin Vaughan GST Exempt Trust, and as Trustee of the Patrick Michael Vaughan GST Exempt Trust (collectively, Vaughan) filed a petition for streamlined expedited release from Aqua Water Supply Corporation’s (Aqua WSC) sewer Certificate of Convenience and Necessity (CCN) No. 20962 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Vaughan asserts that the land is at least 25 contiguous acres, is not receiving sewer service, and is located in Bastrop County, which is a qualifying county. Vaughan filed supplemental information on March 31, 2022.

On March 15, 2022, the administrative law judge (ALJ) filed Order No. 4, establishing a deadline of May 11, 2022 for the Staff (Staff) of the Public Utility Commission of Texas

(Commission) to file supplemental comments regarding the administrative completeness of the petition and notice. Therefore, this pleading is timely filed.

### **I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition and supplemental information and, as detailed in the attached memorandum from Jolie Mathis, Infrastructure Division, recommends that the petition is administratively incomplete. Staff recommends that Vaughan be ordered to cure the deficiencies identified in Ms. Mathis' memorandum by June 10, 2022 and that Staff be given a deadline of July 11, 2022 to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully requests adoption of these proposed deadlines as the noted deficiencies are related to mapping information and Staff's mapping experts may be required to assist Vaughan regarding the supplemental mapping information needed to cure the mapping deficiencies and will require at least thirty days to review same.

### **II. PROCEDURAL SCHEDULE**

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of the docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation that the petition be found administratively complete.

### **III. CONCLUSION**

For the reasons detailed above, Staff recommends that the petition be found administratively incomplete, that Vaughan be ordered to file supplemental information to cure the deficiencies in the petition by June 10, 2022, and that Staff be given a deadline of July 11, 2022 to file a supplemental recommendation on the administrative completeness of the petition. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: May 11, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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Division Director

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/s/ Scott Miles  
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**DOCKET NO. 52694**

**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 May 11, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles  
Scott Miles

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Scott Miles and Bradley Reynolds, Attorneys  
Legal Division

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

**DATE:** May 11, 2021

**RE:** Docket No. 52694 – *Petition of Ben F. Vaughan, III, and Frost Bank, as Co-Trustees of the Genevieve Tarlton Dougherty Trust No. 2, for Ben F. Vaughan, III; James Cullen Vaughan, as Trustee of the James Cullen Vaughan GST Exempt Trust; and Catherine A. Payer, as Trustee of the Rachel Catherine Vaughan GST Exempt Trust, as Trustee of the Daniel Benjamin Vaughan GST Exempt Trust, and as Trustee of the Patrick Michael Vaughan GST Exempt Trust to Amend Aqua Water Supply Corporation's Sewer Certificate of Convenience and Necessity in Bastrop County by Expedited Release*

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On October 12, 2021, Ben F. Vaughan, III, and Frost Bank, as Co-Trustees of the Genevieve Tarlton Dougherty Trust No. 2, for Ben F. Vaughan, III; James Cullen Vaughan, as Trustee of the James Cullen Vaughan GST Exempt Trust; and Catherine A. Payer, as Trustee of the Rachel Catherine Vaughan GST Exempt Trust, as Trustee of the Daniel Benjamin Vaughan GST Exempt Trust, and as Trustee of the Patrick Michael Vaughan GST Exempt Trust (collectively, Vaughan) filed a petition for streamlined expedited release from Aqua Water Supply Corporation's (Aqua WSC) sewer Certificate of Convenience and Necessity (CCN) No. 20962 in Bastrop County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Vaughan asserts that the land is at least 25 contiguous acres, is not receiving sewer service, and is located in Bastrop County, which is a qualifying county.

Based on the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review of the information provided by Vaughan, I recommend the petition be deemed insufficient for filing and found administratively incomplete.

### **Mapping Content:**

Based on the mapping review by Tracy Montes, Infrastructure Division, the maps submitted with Item 1 on October 12, 2021 and with Item 9 on March 31, 2022 are deficient. The petition and the affidavit do not state the overall acreage (611 acres) owned by Vaughan as conveyed in the deed and indicated in the mapping documentation.

Petitioner must submit the following items to resolve the mapping deficiencies:

- Provide a legible, metes and bounds survey (Exhibit A of the Consent Agreement) in a scaled, PDF format identifying the three tracts of land as conveyed in the deed. The metes and bounds survey must be 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, Tracy Montes, by email at [tracy.montes@puc.texas.gov](mailto:tracy.montes@puc.texas.gov) to resolve the mapping deficiencies.