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DOCKET NO. 52694

PETITION OF BEN F. VAUGHAN, III,	§	PUBLIC UTILITY COMMISSION
AND FROST BANK, AS CO-TRUSTEES	§	
OF THE GENEVIEVE TARLTON	§	OF TEXAS
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	§	

**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 to be released is at least 25 contiguous acres, is not receiving sewer service, and is located in Bastrop County, which is a qualifying county.

On May 12, 2022, the administrative law judge (ALJ) filed Order No. 5, establishing a deadline of July 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 complete. Staff's recommendation on administrative completeness is not a comment on the merits of the petition.

II. NOTICE SUFFICIENCY

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. Vaughn included proof that it mailed a copy of its petition to the CCN holder, Aqua WSC, by certified mail on the day the petition was filed with the Commission. Accordingly, Staff recommends that the notice is sufficient.

III. PROPOSED PROCEDURAL SCHEDULE

Under 16 TAC § 24.245(h)(7), there is an expedited deadline of 60 days for approval of the requested release that begins once the ALJ issues an order finding a petition administratively complete. Staff recommends that the petition be found administratively complete. Therefore, Staff proposes the following procedural schedule and requests that the ALJ populate the deadlines accordingly when the ALJ issues that order.

Event	Date
Deadline for Aqua WSC and intervenors to file a response to the administratively complete petition	20 days from the date of the order finding the petition administratively complete
Deadline for Vaughn to file a reply to Aqua WSC's response	27 days from the date of the order finding the petition administratively complete
Deadline for Staff's recommendation on final disposition	41 days from the date of the order finding the petition administratively complete
Sixty-day administrative approval of streamlined expedited release	60 days from the date of the order finding the petition administratively complete

<i>In the event streamlined expedited release is granted and Vaughn and Aqua WSC can select an agreed-upon appraiser</i>	
Deadline for Vaughn and Aqua WSC to make a filing stating that they have selected 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 Vaughn to Aqua WSC	Within 60 days after appraiser's report
Deadline for Vaughn to pay any compensation due to Aqua WSC	Within 90 days of the Commission's final order on compensation
<i>In the event streamlined expedited release is granted and Vaughn and Aqua WSC unable to select an agreed-upon appraiser</i>	
Deadline for Vaughn and Aqua WSC 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 ¹	Within 10 days after the Commission approves streamlined expedited release ²
Deadline for reports from Vaughn's appraiser and Aqua WSC's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by Vaughn to Aqua WSC	Within 60 days after the Commission receives the final appraisal
Deadline for Vaughn to pay any compensation due to Aqua WSC	Within 90 days of the Commission's final order on compensation

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found administratively complete, that the notice be found sufficient, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

¹ TWC § 13.2541(i).

² 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.

Dated: July 11, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

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/s/ Scott Miles
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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 July 11, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles

Public Utility Commission of Texas

Memorandum

TO: Scott Miles and Bradley Reynolds, Attorneys
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: July 11, 2022

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 Certificate of Convenience and Necessity in Bastrop County by Expedited Release*

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.

Vaughan submitted a sworn affidavit attesting that the tract of land was not receiving sewer service from Aqua WSC and warranty deeds confirming ownership of the landowner's total property. Vaughan included proof that a copy of the petition was sent via certified mail to Aqua WSC on the date the petition was filed with the Commission.

Based on the mapping review by Tracy Montes, Infrastructure Division, the digital mapping data filed with Item 9 on March 31, 2022, in addition to the maps identified as 'ATT B1 – General Location Map' and 'ATT B3 – Detailed Map' submitted with Item 9 on March 31, 2022, and the metes and bounds map filed with Item 13 on June 1, 2022, are sufficient for

determining the location of the tract of land considered for streamlined expedited release is located within Aqua WSC's sewer CCN. Tracy Montes determined the following:

The landowner's total property is approximately 611 acres. The tract of land in the petition for streamlined expedited release is approximately 192.4 acres, of which approximately 192.4 acres overlap Aqua WSC (CCN No. 20962) and would be decertified from CCN No. 20962.

Based on my technical and managerial review and the mapping review by Tracy Montes of the information provided by Vaughn on March 31, 2022 and June 1, 2022, I recommend the petition be deemed administratively complete and accepted for filing.