



Filing Receipt

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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 RECOMMENDATION ON FINAL DISPOSITION

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 (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 August 22, 2022, the administrative law judge (ALJ) filed Order No. 7, establishing a deadline of September 9, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on final disposition. Therefore, this pleading is timely filed.

I. RECOMMENDATION ON FINAL DISPOSITION

After review, and as supported by the attached memorandum of Jolie Mathis, Infrastructure Division, Staff recommends that the petition be approved. Staff's review indicates that the petition meets the requirements of TWC § 13.2541(b) and 16 TAC § 24.245(h). Specifically, the petition, as supplemented, shows that the tract of land for which the petition seeks streamlined expedited release is located in Bastrop County, which is a qualifying county, is not receiving sewer service, and is at least 25 contiguous acres. Further, the final sewer CCN map and certificate are attached to this filing. Staff recommends that the final map and certificate be provided to Aqua WSC and for Aqua WSC to file a certified copy of the CCN map and a boundary description of the CCN service area in the Bastrop County Clerk's office, as required under TWC § 13.257(r)-(s).

Additionally, Staff notes that the petition included a consent agreement between Aqua WSC, Vaughn, and Cayetano Development, LLC (Cayetano), in which, upon execution, Cayetano agreed to pay Aqua WSC compensation of \$40,000 in consideration of Aqua WSC's consent for the tract of land to be decertified from Aqua WSC's CCN. Further, Cayetano agreed to reconcile the \$40,000 payment with the amount ultimately owed based on the number of lots that the tract of land is subdivided into at a price of \$100 per lot. Lastly, Cayetano agreed that, if it did not purchase the tract of land from Vaughn within 24 months of executing the consent agreement, it would add the tract of land back into Aqua WSC's CCN and pay the costs to do so. As such and evidenced by the consent agreement, Staff recommends that Vaughn and Aqua WSC have agreed upon compensation. Therefore, Staff recommends that the consent agreement be taken into consideration for the Commission's subsequent order, in the event streamlined expedited release is granted.

II. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that the petition be approved.

Dated: September 9, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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Division Director

Sneha Patel
Managing Attorney

/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 September 9, 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: September 9, 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 provided warranty deeds confirming ownership of the tract of land within Aqua WSC's certificated service area. In addition, Vaughan submitted a sworn affidavit attesting that the tract of land was not receiving sewer service from the CCN holder. Aqua WSC submitted an affidavit from Ty Embrey, General Counsel for Aqua WSC, stating that Aqua WSC did not object to the release of the requested area.

Based on the mapping review by Tracy Montes, Infrastructure Division, it was determined 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.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), Vaughan has met the Commission's requirements to allow for the release of the tract of land from Aqua WSC's CCN No. 20962. Therefore, I recommend approval of the petition. Enclosed is a final map and certificate for Commission approval.

Additionally, I recommend that a final map and certificate be provided to the CCN holder.



Public Utility Commission of Texas

By These Presents Be It Known To All That

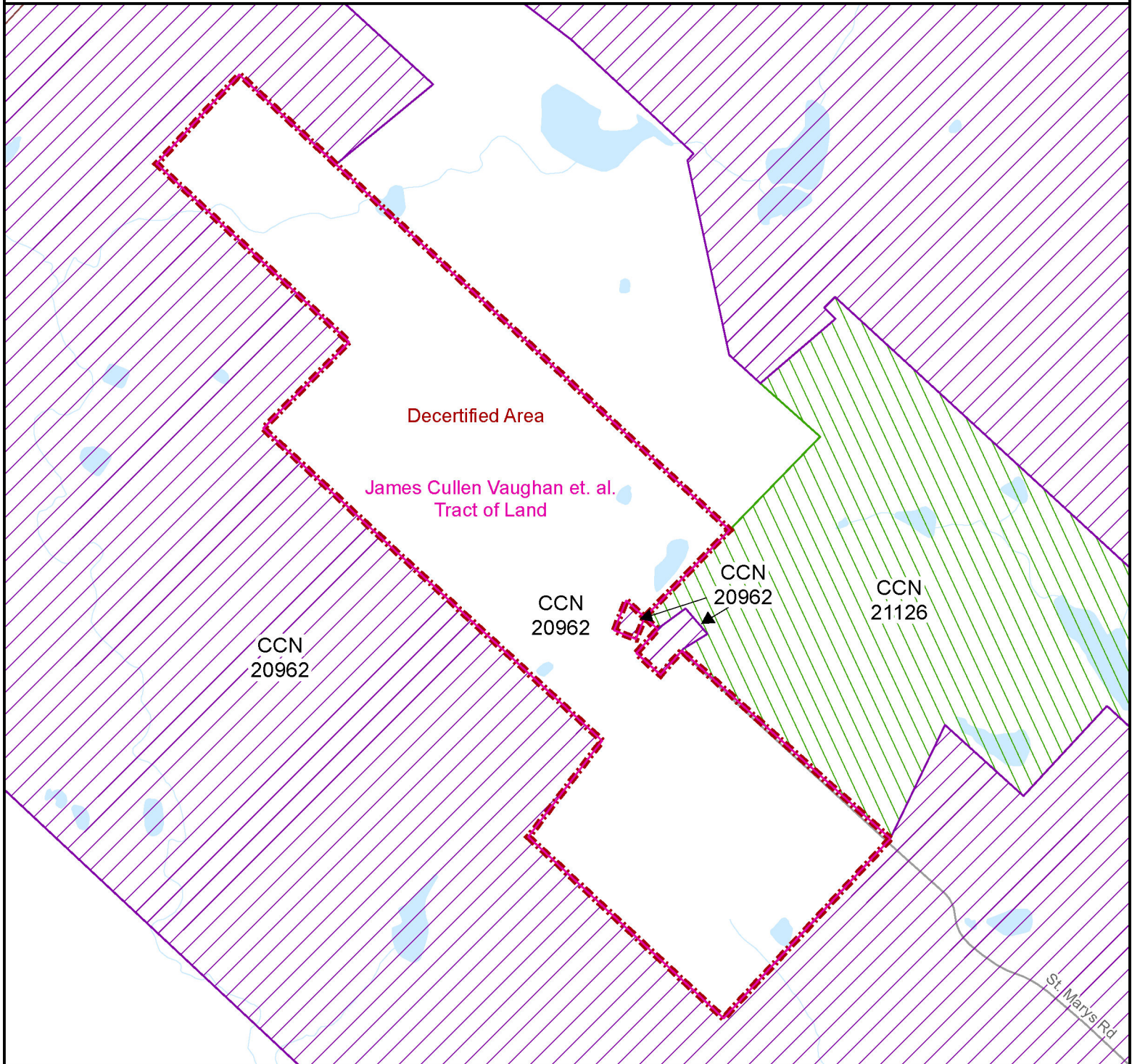
Aqua Water Supply Corporation

having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Aqua Water Supply Corporation is entitled to this

Certificate of Convenience and Necessity No. 20962



to provide continuous and adequate sewer utility service to that service area or those service areas in Bastrop and Travis counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52694 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Aqua Water Supply Corporation to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.



Aqua Water Supply Corporation
Portion of Sewer CCN No. 20962
PUC Docket No. 52694
Petition by James Cullen Vaughan et.al. to Amend
Aqua Water Supply Corporation's CCN by Streamlined Expedited Release in Bastrop County



Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78701

Sewer CCN

-  20962 - Aqua WSC
-  21126 - Integra Water Texas LLC

-  Decertified Area
-  Tract of Land

0 450 900
Feet



Map by: Komal Patel
Date: August 30, 2022
Project: 52694AquaWSC.mxd