



Filing Receipt

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DOCKET NO. 52694

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| 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 | § | |
| CERTIFICATE OF CONVENIENCE | § | |
| AND NECESSITY IN BASTROP | § | |
| COUNTY BY EXPEDITED RELEASE | § | |

ORDER NO. 8
GRANTING STREAMLINED EXPEDITED RELEASE

This Order addresses the 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, for streamlined expedited release of a tract of land in Bastrop County from Aqua Water Supply Corporation's service area under certificate of convenience and necessity (CCN) number 20962. For the reasons stated in this Order, the Commission releases the tract of land from Aqua WSC's certificated service area. In addition, the Commission amends Aqua WSC's CCN number 20962 to reflect the removal of the tract of land from the service area.

Following entry of this Order, the Commission will determine the amount of compensation, if any, to be awarded to Aqua WSC, which will be addressed by separate order.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioners

1. Ben F. Vaughan III is an individual who is designated as the co-trustee of the Genevieve Tarlton Dougherty Trust No. 2 for Ben F. Vaughan III.
2. Frost Bank is a Texas state financial institution registered with the Texas secretary of state under filing number 801616307.
3. Frost Bank is also designated as the co-trustee of the Genevieve Tarlton Dougherty Trust No. 2 for Ben F. Vaughan III.
4. James Cullen Vaughan is an individual who is designated as the trustee of the James Cullen Vaughan GST Exempt Trust.
5. Catherine A. Payer is an individual.
6. Ms. Payer is designated as the trustee of (a) the Rachel Catherine Vaughan GST Exempt Trust, (b) the Daniel Benjamin Vaughan GST Exempt Trust, and (c) the Patrick Michael Vaughan GST Exempt Trust.

CCN Holder

7. Aqua WSC is a Texas nonprofit corporation registered with the Texas secretary of state under filing number 25894701 and operating under chapter 67 of the Texas Water Code (TWC).
8. Aqua WSC holds CCN number 20962 that obligates it to provide retail sewer service in its certificated service area in Bastrop and Travis counties.

Petition and Supplemental Materials

9. On October 12, 2021, the petitioners filed a petition for streamlined expedited release of an approximately 192-acre tract of land from the CCN holder's service area under CCN number 20962.
10. The petition includes a consent agreement between the CCN holder, the petitioners, and Cayetano Development, LLC (a third party developer) effective August 6, 2021; a deed dated December 18, 2012; a second deed dated December 18, 2012; a special warranty deed effective March 29, 1991; maps; email correspondence between representatives of the CCN

holder and Cayetano in March and May 2021; an affidavit, dated September 23, 2021, of one of the petitioners; maps; proof of service; and digital mapping data.

11. On March 31 and June 1, 2022, the petitioners filed supplemental maps and digital mapping data.
12. In Order No. 6 filed on July 12, 2022, the administrative law judge (ALJ) found the petition, as supplemented, administratively complete.

Notice

13. On October 11, 2021, the petitioner sent a copy of the petition by certified mail to the CCN holder.
14. In Order No. 6 filed on July 12, 2022, the ALJ found the notice sufficient.

Response to the Petition

15. On August 1, 2022, the CCN holder filed the affidavit of Ty H. Embrey, the CCN holder's general counsel, stating that the CCN holder does not object to the streamlined expedited release of the tract of land.

The Tract of Land

16. The petitioners own a property in Bastrop County that is approximately 611 acres.
17. The tract of land for which the petitioners seek streamlined expedited release is a portion of the petitioners' property that is approximately 192 acres.
18. The tract of land is located within the CCN holder's certificated service area.

Ownership of the Tract of Land

19. The petitioners, collectively, hold all the ownership interest in the property, having variously acquired interests in the property through two deeds dated December 18, 2012, and a special warranty deed effective March 29, 1991.

Qualifying County

20. Bastrop County abuts Travis County and has a population of more than 47,500.
21. Travis County has a population of at least one million.

Sewer Service

22. The tract of land is not receiving actual sewer service from the CCN holder.

23. The CCN holder has not committed or dedicated any facilities or lines to the tract of land for sewer service.
24. The CCN holder has no facilities or lines that provide sewer service to the tract of land.
25. The CCN holder has not performed any acts for or supplied anything to the tract of land.

Map and Certificate

26. On September 9, 2022, Commission Staff filed its recommendation on final disposition that included a certificate and a map on which it identified the tract of land for which the petitioners seek streamlined expedited release in relationship to the CCN holder's certificated service area.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over this petition for streamlined expedited release under TWC §§ 13.254 and 13.2541.
2. The petitioners provided notice of the petition in compliance with 16 Texas Administrative Code (TAC) § 24.245(h)(3)(F).
3. No opportunity for a hearing on a petition for streamlined expedited release is provided under TWC §§ 13.254 or 13.2541 and, under 16 TAC § 24.245(h)(7), no hearing will be held on such a petition.
4. Petitions for streamlined expedited release filed under TWC §§ 13.254 and 13.2541 and 16 TAC § 24.245(h) are not contested cases.
5. Landowners seeking streamlined expedited release under TWC §§ 13.254 and 13.2541 and 16 TAC § 24.245(h) are required to submit a verified petition through a notarized affidavit, and the CCN holder may submit a response to the petition that must be verified by a notarized affidavit.
6. Under 16 TAC § 24.245(h)(7), the Commission's decision is based on the information submitted by the landowner, the CCN holder, and Commission Staff.
7. To obtain release under TWC § 13.2541(b), a landowner must demonstrate that the landowner owns a tract of land that is at least 25 acres, that the tract of land is located in a

- qualifying county, and that the tract of land is not receiving service of the type that the current CCN holder is authorized to provide under the applicable CCN.
8. The time that the petition is filed is the only relevant time period to consider when evaluating whether a tract of land is receiving sewer service under TWC § 13.2541(b). Whether a tract of land might have previously received sewer service is irrelevant.
 9. A landowner is not required to seek the streamlined expedited release of all of its property.
 10. The petitioners own the tract of land that is at least 25 acres for which they seek streamlined expedited release.
 11. Bastrop County is a qualifying county under TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).
 12. The tract of land is not receiving sewer service under TWC §§ 13.002(21) and 13.2541(b) and 16 TAC § 24.245(h), as interpreted in *Texas General Land Office v. Crystal Clear Water Supply Corporation*, 449 S.W.3d 130 (Tex. App.—Austin 2014, pet. denied).
 13. The petitioners are entitled under TWC § 13.2541(b) to the release of the tract of land from the CCN holder's certificated service area.
 14. Under TWC §§ 13.254(h) and 13.2541(a), after the date of this Order, the CCN holder has no obligation to provide retail sewer service to the tract of land.
 15. The Commission may release only the property of the landowner from a CCN under TWC § 13.2541(b). The Commission has no authority to decerticate any facilities or equipment owned and operated by the CCN holder to provide retail sewer service through the streamlined-expedited-release process under TWC § 13.2541(b).
 16. The Commission processed the petition in accordance with the TWC and Commission rules.
 17. Under TWC § 13.257(r) and (s), the CCN holder is required to record certified copies of the approved certificate and map, along with a boundary description of the service area, in the real property records of Bastrop County no later than the 31st day after the date the CCN holder receives this Order.
 18. A retail public utility may not, under TWC §§ 13.254(d), provide retail sewer service to the public within the released portion of the tract of land unless just and adequate compensation under TWC § 13.254(g) has been paid to the CCN holder.

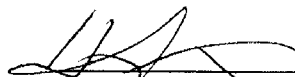
III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission releases the tract of land identified in the petition from the CCN holder's certificated service area under CCN number 20962.
2. The Commission does not decerticate any of the CCN holder's equipment or facilities that may lay on or under the released portion of the tract of land.
3. The Commission amends CCN number 20962 in accordance with this Order.
4. The Commission approves the map attached to this Order.
5. The Commission issues the certificate attached to this Order.
6. The CCN holder must file in this docket proof of the recording required in TWC § 13.257(r) and (s) within 45 days of the date of this Order.
7. The proceeding to determine the amount of compensation to be awarded to the CCN holder, if any, commences on the date of this Order in accordance with the schedule adopted in Order No. 6. Any decision on compensation will be made by a separate order.
8. The Commission denies all other motions and any other requests for general or specific relief not expressly granted by this Order.

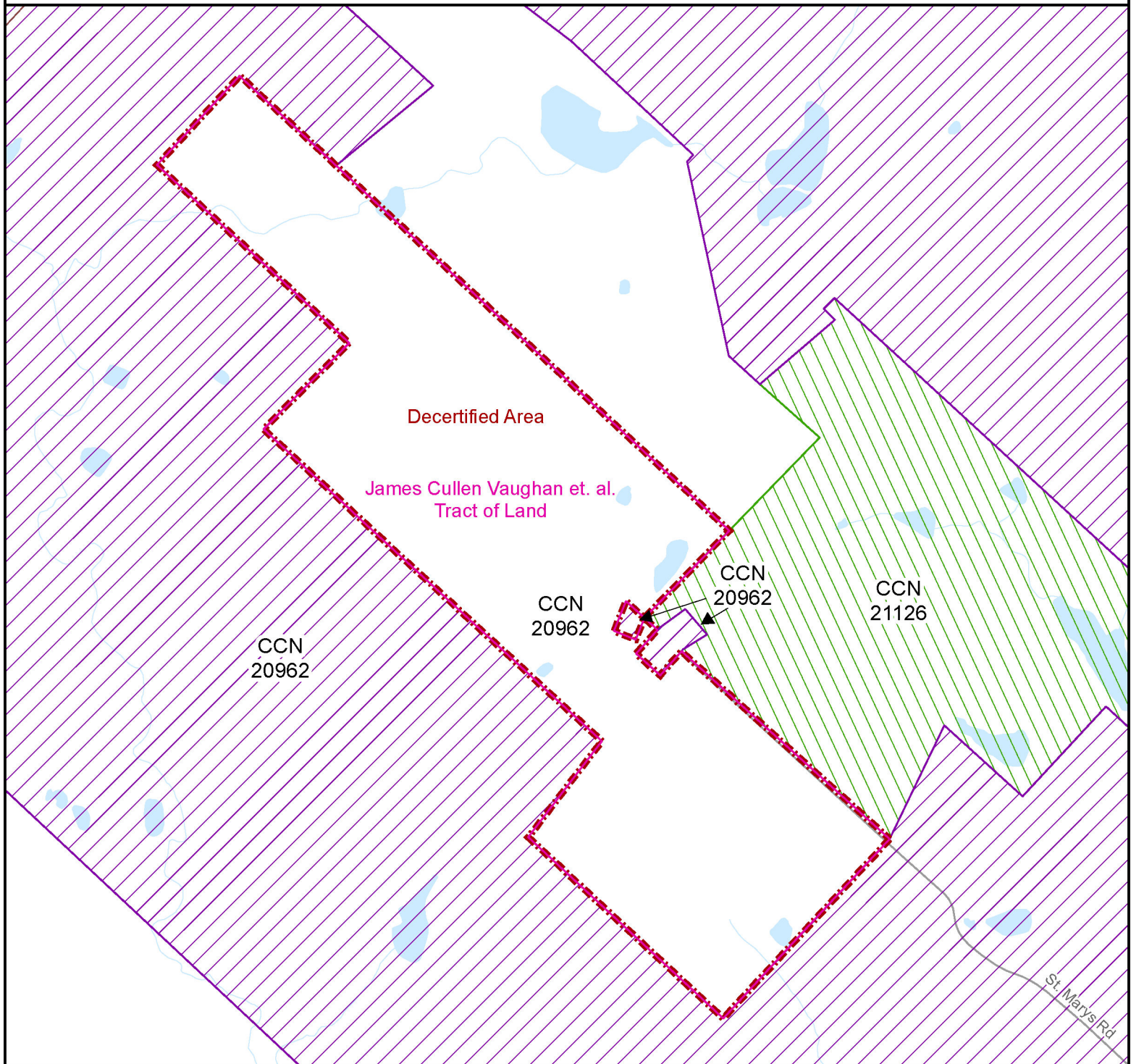
Signed at Austin, Texas the 19th day of September 2022.

PUBLIC UTILITY COMMISSION OF TEXAS





HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE



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



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.