

**TO:** Board Members

**THROUGH:** Kevin Patteson, Executive Administrator  
Richard Wade, Deputy Executive Administrator, Texas Natural Resources  
Information System  
Les Trobman, General Counsel

**FROM:** Kaye Schultz, Assistant General Counsel

**DATE:** April 8, 2016

**SUBJECT:** Consider authorizing the Executive Administrator to execute a Memorandum of Understanding (MOU) between the Public Utility Commission of Texas (PUCT) and the Texas Water Development Board (TWDB) to maintain a public online map viewer

## **ACTION REQUESTED**

Consider authorizing the Executive Administrator to execute a Memorandum of Understanding (MOU) between the Public Utility Commission of Texas (PUCT) and the Texas Water Development Board (TWDB) to maintain a public online map viewer using data supplied by the PUCT.

## **BACKGROUND**

The TWDB has been working with the PUCT since 2010 to develop and maintain an online map viewer for electric power line Certificate of Convenience and Necessity (CCN) boundaries.

This agreement replaces a MOU between the parties with a similar purpose that ended on February 1, 2016. The proposed MOU would terminate on August 31, 2017, with an option to renew for an additional two-year period.

The Executive Administrator, on behalf of the Board, has authority under Texas Water Code Section 6.190 to enter into this contract.

Texas Water Code § 6.104 requires the TWDB to adopt by rule any MOU between the Board and any other state agency. That rulemaking proposal will be brought before you at a future board meeting.

The ability to enter into the MOU, and the effectiveness of the MOU, is not related or contingent upon the separate administrative requirement of adopting the MOU into TWDB rules.

### **Our Mission** : **Board Members**

To provide leadership, information, education, and support for planning, financial assistance, and outreach for the conservation and responsible development of water for Texas :  
: Bech Bruun, Chairman | Kathleen Jackson, Member | Peter Lake, Member  
: Kevin Patteson, Executive Administrator

**KEY ISSUES**

Under the terms of this MOU, the TWDB would be responsible for managing and maintaining the online map viewer using data supplied by the PUCT. There is also a training component, where TWDB staff members provide PUCT staff with up to two four-hour training sessions a year with the ultimate goal of enabling the PUCT to support the application.

**RECOMMENDATION**

Authorize the Executive Administrator to execute a Memorandum of Understanding (MOU) between the Public Utility Commission of Texas (PUCT) and the Texas Water Development Board (TWDB) to maintain a public online map viewer.

**CERTIFICATION**

This recommendation has been reviewed by legal counsel and is within the Agency's legal authority.

Attachment:  
Memorandum of Understanding between the PUCT and the TWDB

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE PUBLIC UTILITY COMMISSION OF TEXAS AND  
THE TEXAS WATER DEVELOPMENT BOARD**

This Memorandum of Understanding (MOU) is entered into between the Public Utility Commission of Texas (PUCT), 1701 N. Congress Ave., Austin, TX 78701, an agency of the State of Texas, and the Texas Water Development Board (TWDB), 1700 N. Congress, Austin, TX 78701, also an agency of the State of Texas.

The parties assert that each has the authority to enter into this agreement under Texas Government Code § 771.003. The TWDB is authorized by Texas Water Code §§ 6.104 and 6.190 to enter into this agreement.

The TWDB and the PUCT hereby enter into this agreement to maintain a basic public online map viewer.

**The TWDB, through its Texas Natural Resources Information System (TNRIS) division, agrees that it will:**

- Maintain the existing public online map viewer for the electric Certificate of Convenience and Necessity (CCN) boundaries as allowed by the Department of Information Resources (DIR) and dependent upon Data Center Services (DCS) exemption policies
- Manage and update existing PUCT data and data feeds as requested by PUCT and mutually agreed by the parties
- Support data exchange needs of the PUCT through PUCT's ArcGIS online application.
- Maintain the confidentiality of any data for which the submitting party asserts confidentiality as required by law
- Provide training to PUCT staff on use of the system up to two four-hour training sessions per year; additional training will be offered to assist PUCT staff develop the capacity to support the application as needed.

**The PUCT agrees that it will:**

- Locate, acquire, and collect data for TNRIS to use in creating the GIS layers
- Assist in automating the data exchange as needed
- Notify TNRIS of any information that may be considered confidential

TWDB is not responsible for verification of data provided by PUCT.

This agreement does not constitute a basis for financial obligations or expenditures. Each agency will expend its own funds in fulfillment of this agreement.

This agreement is effective on the date that the last party executes this document and terminates on August 31, 2017 with an option to renew for an additional two-year period. This agreement may be amended as needed, upon written agreement by both parties. This agreement may be terminated by either party on 30 days written notice.

The parties hereby agree to be bound by this Memorandum of Understanding as indicated by their signatures below.

**THE PUBLIC UTILITY COMMISSION  
OF TEXAS**

**THE TEXAS WATER DEVELOPMENT  
BOARD**

By: \_\_\_\_\_  
Brian H. Lloyd  
Executive Director

By: \_\_\_\_\_  
Kevin Patteson  
Executive Administrator

Date Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_