



Control Number: 44322



Item Number: 12

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DOCKET NO. 44322

**REQUEST OF YES PREP PUBLIC
SCHOOLS FOR EMERGENCY ORDER
TO OBTAIN WATER SERVICE FROM
SUNBELT FRESH WATER SUPPLY
DISTRICT**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

2015 FEB 25 PM 4:42
FILING CLERK

JOINT MOTION TO ADMIT EVIDENCE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Joint Motion to Admit Evidence and Adopt the Proposed Agreed Emergency Order. Staff files this Agreed Motion on behalf of YES Prep Public Schools (YES Prep) and Suburban Water Company (Suburban).

On February 25, 2015, Suburban and YES Prep filed a Settlement Agreement. Staff is not a party to the Agreement but is unopposed to the agreement. The Settlement Agreement, including Parties' agreement to seek decertification of YEP Prep from Suburban's service area, and the Proposed Agreed Emergency Order resolves the issues in this proceeding and thus the parties file Joint Motions to Admit Evidence and Adopt the Proposed Agreed Emergency Order.

I. MOTION TO ADMIT EVIDENCE

Staff asks that the Commission enter an order admitting the following into evidence:

1. YES Prep's Application to the Public Utility Commission of Texas (Commission) for the issuance of an emergency order filed on January 15, 2015;
2. YES Prep's amended Application for an emergency order and later filed copies of the December 4, 2014 meeting minutes of Sunbelt Fresh Water Supply District (Sunbelt FWSD indicating that Sunbelt FWSD would serve YES Prep upon a showing of proper documentation filed on January 27, 2015);

3. Suburban's Response to YES Prep's Amended Application filed on January 29, 2015;
4. Staff's Second Response to Order No.1 filed on February 4, 2015;

The parties request the documents in this proceeding be admitted into evidence for the limited purpose of supporting the Proposed Agreed Emergency Order (Attachment A).

II. MOTION TO ADOPT THE PROPOSED AGREED EMERGENCY ORDER

The Proposed Agreed Emergency Order has the support of all the parties to this proceeding. The Settlement Agreement, including Parties' agreement to seek decertification of YEP Prep from Suburban's service area, and the Proposed Agreed Emergency Order resolve the issues in this proceeding. Parties request that the Commission adopt the Proposed Agreed Emergency Order.

III. CONCLUSION

WHEREFORE, Parties respectfully request, that the Commission enter an order admitting the above-referenced evidence for the limited purpose of supporting the Proposed Agreed Emergency Order. Further, Parties request that the Commission adopt the Proposed Agreed Emergency Order.


DATED: February 25, 2015

Respectfully Submitted,

**STAFF OF THE PUBLIC UTILITY
COMMISSION OF TEXAS**

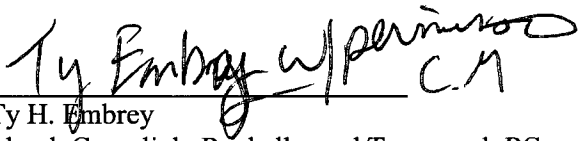
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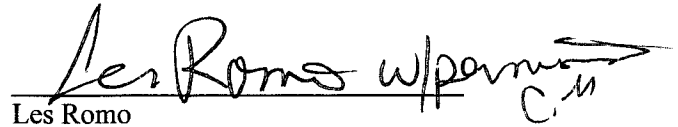
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DOCKET NO. 44322
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 25, 2015, in accordance with P.U.C. Procedural Rule 22.74.


Christina Mann

ATTACHMENT A

DOCKET NO. 44322

REQUEST OF YES PREP PUBLIC	§	
SCHOOLS FOR EMERGENCY ORDER	§	PUBLIC UTILITY COMMISSION
TO OBTAIN WATER SERVICE FROM	§	
SUNBELT FRESH WATER SUPPLY	§	OF TEXAS
DISTRICT	§	

PROPOSED AGREED EMERGENCY ORDER

This Order addresses the Application for Emergency Order filed by YES Prep Public Schools (“YES Prep”).

I. FINDINGS OF FACT

1. On January 15, 2015, YES Prep filed an application (Application) with the Public Utility Commission of Texas (Commission) for the issuance of an emergency order pursuant to 16 TEX. ADMIN. CODE § 24.14 to allow YES Prep to receive water service from Sunbelt Fresh Water Supply District’s (Sunbelt FWSD), rather than its current water provider Suburban because Suburban was not providing continuous and adequate service.
2. On January 16, 2015, the Commission Administrative Law Judge (ALJ) issued Order No. 1, requiring Staff to file a response to the Application by January 22, 2015, including comments regarding sufficiency of the Application and propose a procedural schedule for processing this Application.
3. On January 22, 2015, Staff filed a response to Order No. 1, noting that Staff was in contact with YES Prep and Sunbelt FWSD and was working to ascertain additional details regarding the Application.
4. On January 27, 2015, YES Prep amended the Application (Amended Application) for an emergency order and later filed copies of the minutes of Sunbelt FWSD December 4, 2014 meeting indicating that Sunbelt FWSD would serve YES Prep upon a showing of proper documentation.

5. On January 29, 2015, Suburban filed its response to YES Prep's Amended Application. Suburban disagreed with Yep Prep's allegations regarding the lack of continuous and adequate service.
6. On January 30, 2015, the Commissioners continued the matter until the February 12, 2015 Open Meeting to allow Staff time to provide its recommendation after consideration of the Amended Application and response.
7. Staff filed its Second Response to Order No.1 on February 4, 2015.
8. On February 9, 2015, representatives of and counsel for Suburban, YES Prep, Sunbelt FWSD, and Commission Staff conducted settlement discussions. As a result of the settlement discussions, Suburban, YES Prep, and PUC filed a Joint Motion of Continuance with the PUC Commissioners.
9. The PUC Commissioners did not take any action on the Application at the February 12, 2015 Open Meeting.
10. On February 25, 2015, representatives of Suburban, YES Prep, and Commission Staff filed an agreed motion to admit evidence and a Settlement Agreement executed by the parties, and unopposed by Staff, resolving all issues relating to the provision of water service by Suburban to YES Prep's North Central Campus in this proceeding.
11. On _____, Order No. ____ was issued granting the motion to admit evidence.
12. All parties waive any hearing related to this emergency order that is required by TEX. WATER CODE ANN. § 13.041 and 16 TEX. ADMIN. CODE § 24.14. [In the alternative, the hearing will be held on (date) at (time) at (location).]

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to TEX. WATER CODE ANN. §§ 13.041 and 13.250; 16 TEX. ADMIN. CODE §§ 24.14 and 24.114; and 16 TEX. ADMIN. CODE §§ 22.294 .
2. Notice of the Application was provided by YES Prep in compliance with 16 TEX. ADMIN. CODE §§ 22.55 and 22.74.

3. This docket was processed in accordance with the requirements of the Texas Water Code, the Texas Administrative Procedure Act, TEX. GOV'T CODE ANN. Chapter 2001 (Vernon 2008 & Supp. 2014), and Commission rules.
4. This docket contains no remaining contested issues of fact or law.
5. The Stipulation, taken as a whole, is a just and reasonable resolution of all issues it addresses, is supported by a preponderance of credible evidence in the record, and is consistent with the relevant Texas Water Code provisions and Commission rules.
6. 16 TEX. ADMIN. CODE § 22.295 sets forth the required elements of an application for an emergency order. YES Prep has satisfied the requirements of 16 TEX. ADMIN. CODE § 22.295 and was processed in accordance with the requirements of the Commission's rules.
7. The Commission further finds that Suburban obtained a CCN that includes the YES Prep's North Central Campus in its service area.
8. As required by 16 TEX. ADMIN. CODE §24.14(a)(1), the Commission finds, by the parties' agreement, that discontinuance of the service is either imminent or may occur and would constitute an emergency because of the uncertainty regarding service to the YES Prep North Central Campus.
9. Pursuant to 16 TEX. ADMIN. CODE §24.14(a) the Commission may issue an emergency order which contains provisions requiring specific utility actions to ensure continuous and adequate utility service and compliance with regulatory guidelines.
10. All parties are in agreement with respect to the need for an emergency order to resolve the dispute between the parties and allow Sunbelt FWSD to serve YES Prep and ensure the provision of continuous and adequate service. Therefore, the criteria by which the Commission is authorized to issue an emergency order compelling Suburban to provide continuous and adequate service have been met.

III. ORDERING PARAGRAPHS

In accordance with the foregoing Findings of Fact and Conclusions of Law, the Commission issues the following Order:

1. Consistent with the Settlement Agreement, YES Prep's request for an Emergency Order is granted, in part.
2. Sunbelt FWSD is authorized to provide retail water service to YES Prep's North Central Campus upon receipt of appropriate authorization from the Texas Commission on Environmental Quality and any other local or state regulatory authorities, for a time period not to exceed ninety (90) days from the date of connection.
3. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other request for general or specific relief, if not expressly granted herein, are denied.

DATED: February 25, 2015

SIGNED AT AUSTIN, TEXAS on the _____ day of _____ 2015

PUBLIC UTILITY COMMISSION OF TEXAS

DONNA L. NELSON, CHAIRMAN

KENNETH W. ANDERSON, JR., COMMISSIONER

BRANDY MARTY MARQUEZ, COMMISSIONER