



Control Number: 44621



Item Number: 10

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DOCKET NO. 44621

JOINT APPLICATION OF YES PREP §
PUBLIC SCHOOLS AND SUBURBAN §
UTILITY COMPANY TO DECERTIFY §
YES PREP PROPERTY FROM §
SUBURBAN WATER COMPANY'S §
CERTIFIED SERVICE AREA §

PUBLIC UTILITY COMMISSION
OF TEXAS
2015 MAY 27 AM 11:18
PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S RESPONSE TO ORDER NO. 2

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 2.

I. Background

On April 8, 2015, YES Prep Public Schools (YES Prep) and Suburban Utility Company (Suburban) filed a Joint Application for Decertification of YES Prep Property from Suburban's Retail Water Certificated Service Area (Application). The Application seeks to decertify YES Prep's property from Suburban's service area Certificate of Convenience and Necessity (CCN) No. 10835. This Application was filed pursuant to the Emergency Order issued by the Commission in Docket No. 44322.¹ On April 16, 2015, YES Prep and Suburban filed an Amendment to the Application (Amendment). On May 4, 2015, YES Prep filed a Supplement to its Application (Supplement). On May 15, 2015, YES Prep and Suburban filed a Supplement of Mapping Information to its Application (Mapping Supplement).

On May 12, 2015, the Administrative Law Judge (ALJ) issued Order No. 2 requiring Staff to file a supplemental recommendation regarding administrative completeness of the application and notice along propose a procedural schedule by May 27, 2015. Therefore, this response is timely filed.

II. Staff's Recommendation on Administrative Completeness

Staff reviewed the Application, Amendment, Supplement, and Mapping Supplement pursuant to Tex. Water Code §§ 13.242-.250 (TWC) and 16 Tex. Admin. Code §§ 24.101-.107 (TAC). As detailed in the attached memorandum of Elisabeth English, in the Commission's Water Utilities Division, Staff recommends the Application be found administratively complete pursuant to TWC §§ 13.242-.250 (TWC) and 16 TAC §§ 24.101-.107. Staff reviewed the

¹ Request of YES Prep Public Schools for Emergency Order to Obtain Water Service from Sunbelt Fresh Water Supply District, Docket No. 44322, Emergency Order at 6 (Mar. 17, 2015).

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Mapping Supplement filed on May 15, 2015 and YES Prep and Suburban cured the mapping deficiencies identified in Staff's Response to Order No. 1.

Staff recommends the Application be found administratively complete and YES Prep and Suburban be directed to:

1. Provide the attached notice forms of the application to the following:
 - a. any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of the proposed service area;
 - b. any city with an extraterritorial jurisdiction which overlaps the proposed service area;
 - c. landowners with more than 25 acres and any affected parties in the proposed decertified CCN area. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed service area lies; and
 - d. notice to the public which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Harris County;
2. Include a copy of a map showing the proposed service area with the individual notices to neighboring utilities, other affected parties and each landowner. It is YES Prep and Suburban's burden to provide an accurate map delineating the proposed area with each individual notice. Information related to districts including addresses can be obtained by the YES Prep and Suburban from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>
3. Notify the following entities in addition to the neighboring entities listed in the application:
 - i. Imperial Valley MUD
 - ii. Swea Gardens Estates Utility Inc.
 - iii. Aldine PUD
 - iv. East Aldine Management District
 - v. Greenspoint District
 - vi. Gulf Coast Waste Disposal Authority
 - vii. Harris County FCD

- viii. Harris County MUD 182
- ix. Harris County MUD 461
- x. Harris County WCID 74
- xi. North Belt Utility District
- xii. Port of Houston Authority

III. Proposed Procedural Schedule

Staff proposes the following procedural schedule:

<u>Event</u>	<u>Date</u>
Deadline for Applicant to file a copy of the notice sent to affected parties with attached affidavits evidencing proof of notice	June 30, 2015
Deadline for Staff to file an updated procedural schedule based upon the date notice was mailed	30 days after the mailing or publication of notice, whichever occurs later

IV. Conclusion

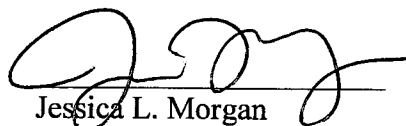
Staff respectfully requests that an order be issued consistent with this Response.

Dated: May 27, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Karen S. Hubbard
Managing Attorney
Legal Division

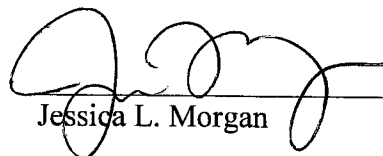


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Public Utility Commission of Texas
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Austin, Texas 78711-3326

DOCKET NO. 44621

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this May 27, 2015 in accordance with 16 TAC § 22.74.



Jessica L. Morgan

Public Utility Commission of Texas

Memorandum

TO: Jessica Morgan, Attorney
Legal Division

FROM: Elisabeth English, Engineering Specialist
Suzanne Burt, GIS Specialist
Water Utilities Division

THRU: Tammy Benter, Director
Water Utilities Division

DATE: May 26, 2015

RE: Docket No. 44621: *Joint Application of YES Prep Public Schools and Suburban Utility Co. (Suburban) to Decertify YES Prep's Property From Suburban Water Company's Certificated Service Area*

On April 8, 2015, YES Prep Public Schools (YES Prep) and Suburban Utility Company (Suburban) filed an application to decertify a portion of Suburban's water service area, Certificate of Convenience and Necessity (CCN) No. 10835, in Harris County. The application was filed as required by the Emergency Order executed in Docket No. 44322,¹ which permits YES Prep to receive retail water service from a utility other than the utility certificated to provide retail water service, Suburban. The application is being reviewed pursuant to Texas Water Code (TWC) §§ 13.242- 13.250 and 16 Tex. Admin. Code (TAC) §§ 24.101-24.107.

A previous Staff review of the above referenced application, and supplemental filings on May 8, 2015, found that it was deficient in the required mapping information, specifically 16 TAC §24.105(2). Order No. 2 deemed the application administratively incomplete and subsequently requested that the Applicants cure the specified deficiencies on or before May 15, 2014. Order No. 2 also requested that staff provide a recommendation regarding the administrative completeness of the application by May 27, 2015.

Staff recommends that the application be deemed sufficient for filing and found administratively complete. The recommendation is a result of the review of the supplemental mapping information provided by the Applicants on May 15, 2015 which cured the deficiencies identified during the previous staff review. Staff further recommends the following:

1. The Applicant be ordered to provide correct notice of the application to the following:
 - a. any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of the proposed service area;
 - b. any city with an extraterritorial jurisdiction which overlaps the proposed service area;
 - c. landowners with more than 25 acres and any affected parties in the proposed decertified CCN area. The landowner information may be obtained from the

¹ *Request of YES Prep Public Schools for Emergency Order to Obtain Water Service from Sunbelt Fresh Water Supply District*, Docket No. 44322, Emergency Order (Mar. 17, 2015).

- county appraisal district tax rolls for the county or counties in which the proposed decertified CCN lies; and
- d. notice to the public which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Harris County;
2. The Applicant should include copy of a map showing the proposed service area with the individual notices to neighboring utilities, other affected parties and each landowner. It is the Applicant's burden to provide an accurate map delineating the proposed area with each individual notice. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>
3. The Applicant must notify the following entities in addition to the neighboring entities listed in the application:
- i. Imperial Valley MUD
 - ii. Swea Gardens Estates Utility Inc.
 - iii. Aldine PUD
 - iv. East Aldine Management District
 - v. Greenspoint District
 - vi. Gulf Coast Waste Disposal Authority
 - vii. Harris County FCD
 - viii. Harris County MUD 182
 - ix. Harris County MUD 461
 - x. Harris County WCID 74
 - xi. North Belt Utility District
 - xii. Port of Houston Authority
4. The Applicant be ordered to return within 30 days of the Commission order, a copy of the actual notice sent with attached signed affidavit that the notice was given.

Staff has prepared appropriate notice and affidavit documents, which are attached to this memo.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CUSTOMERS DOCKET NO. 44621

STATE OF TEXAS
COUNTY OF

Harris

Before me, the undersigned authority, on this day personally appeared

[Signature], who being by me

duly sworn, deposes and that (s)he is the

[Signature]
(TITLE)

of the Suburban Utility Company
(NAME OF UTILITY)

that the attached notice was provided to customers and other affected parties by

[Signature]
(METHOD USED TO PROVIDE NOTICE)

on or about the following date, to wit:

[Signature]
(DATE)

[Signature]
(SIGNATURE OF UTILITY OFFICIAL)

Subscribed and sworn to before me this 12 day of January, 2008,
to certify which witness my hand and seal of office.

[Signature]
Notary Public in and for the State of Texas

[Signature]
Print or Type Name of Notary Public

Commission Expires

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES

DOCKET NO. 44621

STATE OF TEXAS

COUNTY OF

Harris

Suburban Utility Company has provided individual notice to the following entities:

DATE

OATH

I, , being duly sworn, file this form as

(indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set for therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this day of , 20, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public
Commission Expires

The seal of the Public Utility Commission of Texas is a circular emblem. It features a five-pointed star in the center, surrounded by a wreath. The words "PUBLIC UTILITY COMMISSION" are inscribed along the top inner border, and "OF TEXAS" is at the bottom. Two small stars separate the top and bottom text on the left and right sides.

Notice for Publication

NOTICE OF APPLICATION TO DECERTIFY A PORTION OF A CERTIFICATE OF CONVENEINCE AND NECESSITY (CCN) AND WATER UTILITY SERVICE IN HARRIS COUNTY, TEXAS

Suburban Utility Company and YES Prep Public Schools have filed an application with the Public Utility Commission (PUC) of Texas to decertify a portion of their Certificate of Convenience and Necessity (CCN) No. 10835 in Harris County, pursuant to PUC's Substantive Rules in Chapter 24, §§24.109 and 24.112.

The proposed area subject to this transaction is located approximately 10.8 miles North of downtown Houston, Texas, and is generally bounded on the north by Strawn Road; on the east by Aldine Westfield Road; on the south by Lauder Road; and on the west by Chrisman Road.

The total area being requested includes approximately 13 acres and serves 1 current customers.

The proposed amendment affects customers and /or areas located in the following area:

YES Prep Public School North-Central Houston Campus

A copy of the proposed service area map is available at:

YES Prep Public Schools, Inc., 6201 Bonhomme, Ste 168N, Houston, TX 77036

Phone: (713) 967-9000

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the commission on its own motion requests a hearing. Only those individuals who submit a written hearing

request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the commission will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

Si desea informacion en Espanol, puede llamar al 1-888-782-8477

Notice to Neighboring Systems, Customers and Cities

NOTICE OF APPLICATION TO DECERTIFY A PORTION OF A CERTIFICATE OF CONVENEINCE AND NECESSITY (CCN) AND WATER UTILITY SERVICE IN HARRIS COUNTY, TEXAS

To: _____ Date Notice Mailed: ____, 2015
(Name of Neighboring systems, Customers, cities)

(Address)

(City State Zip)

Suburban Utility Company and YES Prep Public Schools have filed an application with the Public Utility Commission (PUC) of Texas to decertify a portion of their Certificate of Convenience and Necessity (CCN) No. 10835 in Harris County, pursuant to PUC's Substantive Rules in Chapter 24, §§24.109 and 24.112.

The proposed area subject to this transaction is located approximately 10.8 miles North of downtown Houston, Texas, and is generally bounded on the north by Strawn Road; on the east by Aldine Westfield Road; on the south by Lauder Road; and on the west by Chrisman Road.

The total area being requested includes approximately 13 acres and serves 1 current customers.

See enclosed map of the proposed service area.

The proposed amendment affects customers and /or areas located in the following area:

YES Prep Public School North-Central Houston Campus

A copy of the proposed service area map is available at:

YES Prep Public Schools, Inc., 6201 Bonhomme, Ste 168N, Houston, TX 77036

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