



Control Number: 44621



Item Number: 19

Addendum StartPage: 0

RECEIVED

DOCKET NO. 44621

2015 AUG 10 PM 2:00

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

§
§
§
§
§
§

PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
OF TEXAS

APPLICANT'S RESPONSE TO COMMISSION STAFF'S MOTION FOR RULING ON SUFFICIENCY OF NOTICE AND TO AMEND THE PROCEDURAL SCHEDULE

COMES NOW YES Prep Public Schools, Inc. ("YES Prep") and files this Response to Commission Staff's Motion for Ruling on Sufficiency of Notice and to Amend the Procedural Schedule.

I. Background

Pursuant to Order No. 3, YES Prep mailed notice of the Application on June 16, 2015 and published notice in the Houston Chronicle on June 16, 2015 and June 23, 2015. On August 6, 2015, the Staff of the Public Utility Commission of Texas (Commission Staff) filed a Motion for Ruling on Sufficiency of Notice and to Amend the Procedural Schedule. In its motion, Commission Staff recommended that both the mailed and published notices be found insufficient because both notices were inconsistent with the requirement in Order No. 3 that YES Prep to use the notice forms attached to Commission Staff's Response to Order No. 2.

II. YES Prep's Response Regarding Sufficiency of Notice

Commission Staff described three differences between the notices that YES Prep mailed and published and the notice forms that were attached to Commission Staff's Response to Order No. 2. YES Prep acknowledges that these differences exist, but these differences are insubstantial enough that the notices YES Prep has already mailed and published still satisfy the requirements of Water Code § 13.246(a) and 16 TAC § 24.106 because they still had the same effect of putting all potentially affected parties on notice of the extent and effects of the application. The amendment to Suburban Utility CO.'s retail water certificated service area that is the subject of the CCN amendment application only affects one (1) property owner, which is YES Prep. No other property owners are impacted by the CCN amendment application that is at issue.

In the alternative, YES Prep will be more than willing to provide additional notice to neighboring utilities. YES Prep requests that it not be required to republish notice in the Houston Chronicle of the application. Such a requirement would be cost prohibitive for YES Prep, which is a non-profit educational organization, as the cost to provide the original notice in the Houston Chronicle was four thousand, three hundred fifty-five dollars and twenty-two cents (\$4,355.22). A requirement to republish notice in the Houston Chronicle would place an undue financial burden on YES Prep.

III. YES Prep's Response Regarding Amending the Procedural Schedule

YES Prep can file with the Commission proof of mailing additional notice to all neighboring utilities pursuant to the memorandum attached to Commission Staff's Response to Order No. 2 by this Friday, August 14, 2015. Pursuant to the current procedural schedule adopted in Order No. 5, Commission Staff still has until September 10, 2015 to propose an additional procedural schedule, request a hearing, or file a final recommendation. YES Prep believes the schedule does not need to be amended any further, as there is still sufficient time built into the procedural schedule adopted in Order No. 5.

IV. Conclusion

YES Prep respectfully requests that the ALJ:

- (1) issue a ruling finding that the previously mailed and published notices are sufficient;
- (2) not require YES Prep to publish notice again;
- (3) grant YES Prep until August 14, 2015 to mail additional notice to neighboring utilities pursuant to the memorandum attached to Commission Staff's Response to Oder No. 2; and
- (4) not otherwise amend the procedural schedule adopted in Order No. 5.

DATED: August 10, 2015

Respectfully Submitted,

YES PREP PUBLIC SCHOOLS, INC.

Ty Embrey with permission
Hannah King

Ty H. Embrey

Texas State Bar No. 24025346

Lloyd Gosselink Rochelle & Townsend, P.C.

816 Congress Avenue, Suite 1900

Austin, Texas 78701

(512) 322-5829

(512) 472-0532 (fax)

tembrey@lglawfirm.com