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DOCKET NO. 44621

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

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PUBLIC UTILITY COMMISSION

OF TEXAS

FILED WITH THE COMMISSION
FILING CLERK

APPLICANT'S RESPONSE TO ORDER NO. 6

COMES NOW YES Prep Public Schools, Inc. ("YES Prep") and files this Response to Order No. 6 Requiring Clarification from YES Prep.

I. Background

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. On August 10, 2015, YES Prep filed a Response to Commission Staff's Motion for Ruling on Sufficiency of Notice and to Amend the Procedural Schedule. On August 11, 2015, the Commission entered Order No. 6 Requiring Clarification from YES Prep.

II. YES Prep's Clarifying Information Regarding Sufficiency of Notice

In Order No. 6, the Commission asked YES Prep to state the reasons for not providing the notices as attached to Commission Staff's May 27, 2015 Response to Order No. 2 and to explain the discrepancy regarding the number of acres at issue in the application. In an oversight, rather than using the forms attached to Commission Staff's May 27, 2015 filing and memorandum, Applicants published and mailed the notice as drafted and included in the Commission's Certificate of Convenience and Necessity (CCN) Amendment Application Form.

Two differences exist between the notices provided by YES Prep and the notices attached to Commission Staff's May 27, 2015 filing. Both notices are attached hereto as Exhibits A and B. The notices provided by YES Prep state that the area at issue includes approximately 18 acres and is located approximately 2 miles southeast of downtown Aldine, while the Commission Staff's notices state that the area at issue includes approximately 13 acres and is located approximately 10.8 miles north of downtown Houston.

Applicants used the Commission's online Water and Sewer CCN Viewer program to draft the information in the notices that were provided by YES Prep. The community of Aldine, Texas appears on the Commission's CCN Viewer and on commonly used maps such as Google Maps. Applicants searched for Aldine, Texas on the Commission's CCN Viewer and then used the CCN Viewer's mile measurement tool to measure the 2 miles from Aldine to the YES Prep North Central Campus at issue in this application. Applicants believe that stating that the area is "approximately 2 miles southeast of downtown Aldine" and "approximately 10.8 miles north of downtown Houston" are both accurate descriptions, and the reference from Aldine could arguably be considered more precise because it gives a closer reference on the map. Significantly, both the YES Prep notices and the Commission Staff notices described the area as "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."

Regarding the acreage discrepancy, Applicants used map information produced from the Texas Commission on Environmental Quality's (TCEQ's) previous CCN Map Viewer to come up with approximately 18 acres. Applicants believe that providing notice that the area at issue includes approximately 18 acres, rather than approximately 13 acres, is not an appreciable enough difference to render the notice insufficient.

The notices that YES Prep has already mailed and published still satisfy the requirements of Water Code § 13.246(a) and 16 TAC § 24.106 and had the same effect as Commission Staff's notices; They put any 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 mailed notice to neighboring utilities that match the notices provided by Commission Staff. YES Prep requests that it not be required to republish notice in the Houston Chronicle of the application. The cost to publish the original notice in the Houston Chronicle was \$4,355.22. YES Prep is a non-profit educational organization, and a requirement to republish notice in the Houston Chronicle would place a cost-prohibitive and undue financial burden on YES Prep.

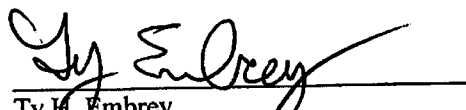
III. Conclusion

The notices published and mailed by YES Prep were drafted on the notice forms included in the Commission's CCN Amendment Application form, using information obtained from the Commission's CCN Viewer program, and they satisfied all of the requirements enunciated in Water Code § 13.246(a) and 16 TAC § 24.106 to put potentially affected parties on notice of the application. YES Prep respectfully requests that the ALJ act on the requests stated in YES Prep's August 10, 2015 Response to Commission Staff's Motion for Ruling on Sufficiency of Notice and to Amend the Procedural Schedule.

DATED: August 17, 2015

Respectfully Submitted,

YES PREP PUBLIC SCHOOLS, INC.

A handwritten signature in black ink, appearing to read "Ty M. Embrey", is written over a horizontal line.

Ty M. Embrey
Texas State Bar No. 24025346
Lloyd Gosselink Rochelle & Townsend, P.C.
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Austin, Texas 78701
(512) 322-5829
(512) 472-0532 (fax)
tembrey@lglawfirm.com

EXHIBIT A
NOTICES MAILED AND PUBLISHED BY YES PREP

Notice for Publication

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY SERVICE IN

Harris COUNTY(IES), TEXAS

Name of Applicant YES Prep Public Schools, Inc. has filed an application for a CCN to obtain or amend CCN No. (s) 10835 and to decertify a portion(s) of Suburban Utility CO. with the
(Name of Decertified Utility)

Public Utility commission of Texas to provide

water
(specify 1) water or 2) sewer or 3) water & sewer)

utility service in

Harris

County
(ies)

The proposed utility service area is located approximately 2 miles southeast [direction] of downtown Aldine, [City or Town] 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 Christman Road.

The total area being requested includes approximately 18 acres and 1 current customers.

A copy of the proposed service area map is available at (Utility Address and Phone Number): YES Prep Public Schools, Inc., 6201 Bonhomme, Ste 168N, Houston, TX 77038; (713) 987-8000

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 file with the PUC at the following address:

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.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

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

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

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

Notice to Neighboring Systems, Landowners and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY SERVICE IN

Harris COUNTY(IES), TEXAS

To: _____ Date Notice Mailed _____ 20 15
(Neighboring System, Landowner or City)

(Address)

City State Zip

Name of Applicant YES Prep Public Schools, Inc. has filed an application for a
CCN to obtain or amend CCN No. (s) 10835 and to
decertify a portion(s) of Suburban Utility CO. with the
(Name of Decertified Utility)

Public Utility Commission of Texas to provide water
utility service in Harris County(ies).
(specify 1) water or 2) sewer or 3) water & sewer

The proposed utility service area is located approximately 2 miles southeast
[direction] of downtown Aldine, [City or Town] 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 Chisman Road

See enclosed map of the proposed service area.

The total area being requested includes approximately 18 acres and 1
current customers.

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.

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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.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

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

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

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

EXHIBIT B
NOTICES INCLUDED IN COMMISSION STAFF'S MAY 27, 2015 FILING

Docket No. 44621

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

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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

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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.

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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:
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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

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Persons who wish to intervene or comment should write the:

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1701 North Congress Avenue
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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.

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

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