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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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JOINT PROPOSED NOTICE OF APPROVAL

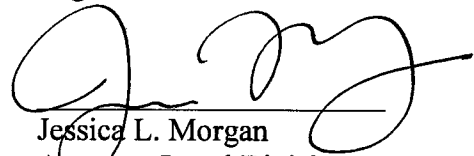
Commission Staff of the Public Utility Commission of Texas; YES Prep Public Schools, Inc.; and Suburban Utility Company file this Proposed Notice of Approval.

Dated: November 16, 2015

Respectfully Submitted,

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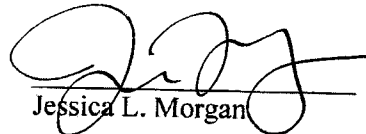

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DOCKET NO. 44621

CERTIFICATE OF SERVICE

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


Jessica L. Morgan

DOCKET NO. 44621

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

NOTICE OF APPROVAL

This Notice addresses the application filed by YES Prep Public Schools, Inc. (YES Prep) and Suburban Utility Company (Suburban) (collectively, Applicants) to remove YES Prep's north central campus from Suburban's retail water certificated service area. Public Utility Commission of Texas (Commission) Staff recommended approval of the application. The application is approved.

The Commission adopts the following findings of fact and conclusions of law:

I. Findings of Fact

Procedural History, Description, and Background

1. On April 8, 2015, Applicants jointly filed an application to amend Suburban's water certificate of convenience and necessity (CCN) No. 10835 pursuant to Tex. Water Code §§ 13.241 and 13.254 (West 2008 and Supp. 2014) (TWC) and 16 Tex. Admin. Code §§ 24.102 and 24.113 (TAC). The application requested the decertification of YES Prep's north central campus and amendment of Suburban's CCN No. 10835.
2. The application was filed pursuant to the Emergency Order issued in Docket No. 44322.¹
3. The CCN No. 10835 service area is located in Harris County, Texas.
4. On April 10, 2015, Order No. 1 was issued, requiring Commission Staff to file a recommendation regarding administrative completeness of the application and proposed notice, and to propose a procedural schedule for processing.
5. On April 16, 2015, Applicants filed an amendment to the application, which included placing the application on a Commission-prescribed form and attaching the Emergency Water Supply Agreement between Sunbelt Fresh Water Supply District (Sunbelt) and YES

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

Prep.

6. On May 4, 2015, Applicants filed a supplement to the application, which included YES Prep's application to obtain water service from Sunbelt.
7. On May 8, 2015, Commission Staff responded to Order No. 1, identifying specific deficiencies and recommending that the application be found deficient until Applicants provided additional information.
8. On May 12, 2015, Order No. 2 was issued, requiring Applicants to amend the application to cure the deficiencies described by Commission Staff.
9. On May 15, 2015, Applicants filed a supplement to the application in order to address all deficiencies identified in Commission Staff's response to Order No. 1.
10. On May 27, 2015, Commission Staff recommended that the application be found administratively complete and that Applicants be instructed to provide notice of the application.
11. On May 28, 2015, Order No. 3 was issued, deeming the application administratively complete, and requiring applicants to provide notice as recommended in Commission Staff's May 27, 2015 filing.
12. On July 1, 2015, Order No. 4 was issued, granting Applicants' extension request to file the original publisher's affidavit. On the same date, Applicants filed the original publisher's affidavit.
13. On July 23, 2015, Commission Staff responded to Order No. 3, proposing an additional procedural schedule.
14. On July 27, 2015, Order No. 5 was entered, adopting the procedural schedule.
15. On August 6, 2015, Commission Staff filed a motion for a ruling on the sufficiency of the notice provided.
16. On August 10, 2015, Applicants responded to Commission Staff's motion for ruling on sufficiency of the notice provided.
17. On August 11, 2015, Order No. 6 was entered, requiring clarification from Applicants on why the notice provided should be ruled sufficient.
18. On August 17, 2015, Applicants responded to Order No. 6, providing further clarification on the sufficiency of the notice provided.
19. On August 19, 2015, Order No. 7 was entered, declaring the published notice sufficient

- and requiring Applicants to mail additional notice to neighboring utilities.
20. On August 20, 2015, Applicants filed the affidavit of provision of additional notice.
 21. On September 18, 2015, Commission Staff proposed an additional procedural schedule. On the same date, Order No. 8 was entered, adopting the procedural schedule.
 22. On October 15, 2015, Commission Staff filed its first request for information (RFI) to YES Prep.
 23. On October 22, 2015, YES Prep filed its response to Commission Staff's first RFI. On the same date, YES Prep filed its consent form for the proposed amended CCN map pursuant to this application.
 24. On October 27, 2015, Commission Staff filed its recommendation on final disposition, recommending approval of the application and requesting that YES Prep's property be removed from Suburban's CCN.
 25. On November 16, 2015, Commission Staff and Applicants filed their Proposed Notice of Approval. On the same date, Commission Staff and Applicants filed a joint motion to admit evidence.

Notice

24. On June 16, 2015, notice was sent to all affected and interested parties in Harris County.
25. Public notice was provided on June 16 and 23, 2015 in the Houston Chronicle.
26. On June 30, 2015, YES Prep filed a copy of the newspaper publisher's affidavit, requesting for an extension to file the original. On the same date, Applicants filed the affidavit of provision of notice to all affected and interested parties. .
27. On July 1, 2015, YES Prep filed the newspaper publisher's original affidavit stating that notices published in the Houston Chronicle on June 16 and 23, 2015
28. On August 20, 2015, YES Prep filed an affidavit that additional notices were provided to all affected and interested parties in Harris County.

Evidentiary Record

29. On November __, 2015, the ALJ issued Order No. 9, admitting (a) Joint Application for Decertification of YES Prep Property from Suburban's Retail Water Certificated Service Area and all attachments (filed on April 8, 2015); (b) Amendment to Joint Application for

Decertification of YES Prep Property from Suburban's Retail Water Certificated Service Area and all attachments (filed on April 16, 2015); (c) Supplement to Joint Application for Decertification of YES Prep Property from Suburban's Retail Water Certificated Service Area and all attachments (filed on May 4, 2015); (d) Supplement of Mapping Information to Joint Application for Decertification of YES Prep Property from Suburban's Certificated Water Service Area and all attachments (filed on May 15, 2015); (e) Affidavit of Provision of Notice to Neighboring Utilities and Affected Parties and all attachments (filed on June 30, 2015); (f) Original Publisher's Affidavit and all attachments (filed on July 1, 2015); (g) Affidavit of Provision of Notice to Neighboring Utilities and Affected Parties (filed on August 20, 2015); (h) YES Prep's Response to Commission Staff's First Request for Information and all attachments (filed on October 22, 2015); (i) Commission Staff's Response to Order No. 8 and Final Recommendation and all attachments (filed on October 27, 2015).

Informal Disposition

30. YES Prep, Suburban, and Commission Staff are the only parties to this proceeding.
31. No protests or hearing requests have been filed and no issues of fact or law are disputed by any party; therefore no hearing is necessary.

II. Conclusions of Law

1. The Commission has jurisdiction over YES Prep and Suburban's application under TWC §§ 13.041, 13.241, 13.244, and 13.254 and 16 TAC § 24.113.
2. Suburban is a retail public utility, as defined by TWC § 13.002(19) and 16 TAC § 24.3(58).
3. YES Prep has provided notice in compliance with TWC §13.246 and 16 TAC § 24.106.
4. This application was processed in accordance with the requirements of the Administrative Procedures Act, Tex. Gov't Code §§ 2001.001-2001.902 (West 2008 & Supp. 2014), TWC §§ 13.244 and 13.254, and 16 TAC §§ 24.102 and 24.105.
5. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.
6. Applicants have demonstrated that their application, as amended, meets the requirements in TWC §§ 13.241, 13.244, and 13.254, and 16 TAC §§ 24.101-24.102 and 24.104-106.
7. Based on the evidence admitted into the record, Applicants have demonstrated that YES

Prep will be able to receive continuous and adequate service from Sunbelt once it is decertified from Suburban's CCN.

8. As a joint applicant, Suburban has provided written consent to amend its CCN.

III. Ordering Paragraphs

The Commission issues the following ordering paragraphs in accordance with these findings of fact and conclusions of law:

1. YES Prep and Suburban's application, as amended, is approved.
2. Suburban's water CCN No. 10835 service area is amended consistent with this Notice of Approval and YES Prep's north central campus will be removed from Suburban's certificated water service area.
3. All other motions, requests for entry of specific findings of fact or conclusions of law, and any other requests for general or specific relief, if not expressly granted in this Notice of Approval, are denied.

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

PUBLIC UTILITY COMMISSION OF TEXAS

JEFFREY J. HUHNS
ADMINISTRATIVE LAW JUDGE