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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  
PUBLIC UTILITY COMMISSION  
OF TEXAS

### NOTICE OF APPROVAL

This Notice addresses the joint application of 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. 2015) (TWC) and 16 Tex. Admin. Code §§ 24.102 and 24.113 (TAC).
2. The application requested the decertification of YES Prep's north central campus from Suburban's CCN No. 10835 and amendment of Suburban's CCN in Harris County.
3. The application was filed pursuant to the Emergency Order issued in Docket No. 44322.<sup>1</sup>

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

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 Prep.
6. On May 4, 2015 and May 15, 2015, Applicants further supplemented the application.
7. On May 28, 2015, Order No. 3 was issued, deeming the application and notice, as amended, administratively complete, and adopting a procedural schedule.
8. On July 1, 2015, Order No. 4 was issued, granting Applicants' request for extension to file the original publisher's affidavit.
9. On July 27, 2015, Order No. 5 was issued adopting a procedural schedule.
10. On August 11, 2015, Order No. 6 was entered requiring clarification from Applicants on sufficiency of notice.
11. On August 19, 2015, Order No. 7 declared the published notice sufficient and required Applicants to mail additional notice to neighboring utilities.
12. On September 18, 2015, Order No. 8 was issued, adopting a final procedural schedule.
13. On October 27, 2015, Commission Staff recommended approval of the application, with consent forms and an amended map and certificate for CCN No.10835 attached.
14. On November 16, 2015, the parties filed a joint proposed notice of approval and request to admit evidence.
15. The amended CCN certificate and map referenced in Finding of Fact No. 13 are attached to this Notice.

**Notice**

16. On June 16, 2015, mailed notice was sent to all affected and interested parties in Harris County.

17. Public notice was provided on June 16 and 23, 2015 in the *Houston Chronicle*.
18. On August 20, 2015, additional mailed notice was provided to all affected and interested parties in Harris County.

**Evidentiary Record**

19. On November 23, 2015, Order No. 9 was issued admitting evidence into the record.

**Informal Disposition**

20. More than 15 days have passed since completion of the notice provided in this docket.
21. YES Prep, Suburban, and Commission Staff are the only parties to this proceeding.
22. 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. 2015), TWC §§ 13.244 and 13.254, and 16 TAC §§ 24.102 and 24.105.
5. 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.
6. 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.
7. As a joint applicant, Suburban has provided written consent to amend its CCN.
8. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

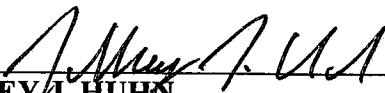
### III. Ordering Paragraphs

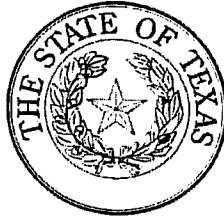
In accordance with these findings of fact and conclusions of law, the Commission issues the following Order:

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 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 herein, are hereby denied.

SIGNED AT AUSTIN, TEXAS the 1<sup>st</sup> day of December 2015.

PUBLIC UTILITY COMMISSION OF TEXAS

  
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JEFFREY J. HUHN  
ADMINISTRATIVE LAW JUDGE



# Public Utility Commission of Texas

**By These Presents Be It Known To All That**

**Suburban Utility Co.**

having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

## **Certificate of Convenience and Necessity No. 10835**




to provide continuous and adequate water utility service to that service area or those service areas in Harris County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 44621 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Suburban Utility Co. to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, the 1<sup>st</sup> day of December 2015.

Suburban Utility CO.  
 Water Service Area  
 CCN No. 10835  
 PUC Docket No. 44621  
 Decertified a Portion of Suburban Utility CO. in Harris County



**Water CCN Service Areas**

-  10835 - Suburban Utility CO.
-  N0062 - Aldine ISD Grace Raymond Elementary School
-  10972 - Champ's Water Company Inc.

0 400 800  
 Feet



Public Utility Commission of Texas  
 1701 N. Congress Ave  
 Austin, TX 78701

Map by: Komal Patel  
 Date created: October 16, 2015  
 Project Path: n:\finalmapping\44621 SuburbanUtilityCompany.mxd

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