



Control Number: 44621



Item Number: 5

Addendum StartPage: 0

DOCKET NO. 44621

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

PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

**AMENDMENT TO JOINT APPLICATION FOR DECERTIFICATION OF YES PREP
PROPERTY FROM SUBURBAN UTILITY CO.'S RETAIL WATER CERTIFICATED
SERVICE AREA**

COMES NOW YES Prep Public Schools' (YES Prep) and Suburban Utility CO. (Suburban), and file this Amendment to the Joint Application for Removal of YES Property from Suburban's Retail Water Certificated Service Area (CCN No. 10835).

I. PROCEDURAL BACKGROUND

On January 15, 2015, YES Prep filed an application (Application) with the Public Utility Commission of Texas (Commission) for the issuance of an emergency order pursuant to 16 TEX. ADMIN. CODE § 24.14 to allow YES Prep to receive water service from the District, rather than its current water provider Suburban. On January 16, 2015, the Commission Administrative Law Judge (ALJ) issued Order No. 1, requiring Staff to file a response to the Application by January 22, 2015, including comments regarding sufficiency of the Application and propose a procedural schedule for processing this Application.

On January 22, 2015, Staff filed a response to Order No. 1, noting that Staff was in contact with YES Prep and Sunbelt FWSD and was working to ascertain additional details regarding the Application. On January 27, 2015, YES Prep amended the Application (Amended Application) for an emergency order¹ and later filed copies of the minutes of the District's December 4, 2014 meeting indicating that Sunbelt would serve YES Prep upon a showing of proper documentation.

On January 29, 2015, Suburban filed its response to YES Prep's Amended Application. The matter was considered at the January 30, 2015 Open Meeting. The Commissioners

continued the matter until the February 12, 2015 Open Meeting to allow Staff time to provide its recommendation after consideration of the Amended Application and response. Staff filed its Second Response to Order No.1 on February 4, 2015.

On February 9, 2015, representatives of and counsel for Suburban, YES Prep, and Staff met at Commission offices to conduct settlement discussions. The general counsel for YES Prep and counsel for the District joined by conference call.

On February 26, 2015, Order No. 2 was issued granting the motion to admit evidence.

On March 6, 2015, the Emergency Order requested by YES Prep was approved by the PUC Commissioners at an Open Meeting.

On March 17, 2015, the Emergency Order requested by YES Prep was executed by the PUC Commissioners

II. AMENDMENT TO JOINT APPLICATION

1. YES Prep and Suburban file the Amendment to the Joint Application to provide a completed Application to Amend a Water Certificate of Convenience and Necessity (Application) which is attached hereto as Exhibit A.

2 YES Prep and Suburban have included a copy of the Emergency Water Supply Agreement to be executed by YES Prep and Sunbelt Fresh Water Supply District on April 16, 2015 which is attached hereto as Exhibit B and is also found as Exhibit 7 in the attached Application. The Board of Directors of Sunbelt Fresh Water Supply District have a regularly scheduled meeting on the night of April 16, 2015 at which time Sunbelt Fresh Water Supply District will execute the Emergency Water Supply Agreement. The parties will file a copy of the executed Emergency Water Supply Agreement with the PUC as soon as the document is fully executed.

3. YES Prep and Suburban are currently working on the projectable digital data with metadata that would satisfy the mapping requirements of Section (3.)(B.) of the attached Application which is attached hereto as Exhibit A. The parties have had difficulty specifically

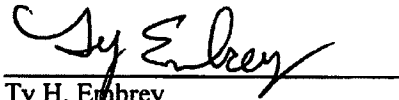
¹ See *YES Prep Public School's Amendment to Emergency Order Application*, P.U.C. Docket No. 44322, January 27, 2015.

identifying the area to be decertified in a digital format but the parties are confident that they will be able to file the required mapping information in digital data form as soon as possible.

DATED: APRIL 16, 2015

Respectfully Submitted,

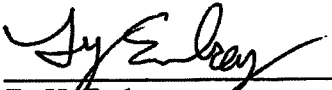
YES PREP PUBLIC SCHOOLS

A handwritten signature in cursive script, reading "Ty H. Embrey", written over a horizontal line.

Ty H. Embrey
Lloyd, Gosselink, Rochelle, and Townsend, PC
816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5829
(512)-472-0532 (facsimile)

DOCKET NO. 44322
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on April 16, 2015, in accordance with P.U.C. Procedural Rule 22.74.



Ty H. Embrey

**EXHIBIT A – APPLICATION TO AMEND A WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY**



PURSUANT TO PUC CHAPTER 24, SUBSTANTIVE RULES APPLICABLE TO WATER AND SEWER
SERVICE PROVIDERS, SUBCHAPTER G: CERTIFICATES OF CONVENIENCE AND NECESSITY

Application to Obtain or Amend a Water or Sewer Certificate of Convenience and Necessity (CCN)

Docket Number: 44621

(this number will be assigned by the Public Utility Commission after your application is filed)

7 copies of the application, including the original, shall be filed with

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

If submitting digital map data, two copies of the portable electronic storage medium (such as CD or DVD) are required.

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Application to Obtain or Amend a Water or Sewer Certificate of Convenience and Necessity (CCN)

Purpose of Application

<input type="checkbox"/> Obtain	<input type="checkbox"/> New Water CCN	<input type="checkbox"/> New Sewer CCN
<input checked="" type="checkbox"/> Amend	<input checked="" type="checkbox"/> Water CCN# (s)	10835
<input type="checkbox"/> Amend	<input type="checkbox"/> Sewer CCN#(s)	N/A. No sewer CCN is at issue in this application.

1. Applicant Information

Applicant

Utility name: Joint application from YES Prep Public Schools, Inc. and Suburban Utility Co. See Attachment 1 for applicants' information.

Certificate number: See Attachment 1.

Street address (City/ST/ZIP/Code): See Attachment 1.

Mailing address(City/ST/ZIP/Code): See Attachment 1.

Utility Phone Number and Fax: See Attachment 1.

Contact information

Please provide information about the person(s) to be contacted regarding this application. Indicate if this person is the owner, operator, engineer, attorney, accountant manager, or other title related to the applicant.

Name: Ty Embrey	Title: Attorney for YES Prep
Mailing address: 816 Congress Avenue, Suite 1900, Austin, TX 78701	
Email: tembrey@lglawfirm.com	Phone and Fax: Phone (512) 322-5829; Fax (512) 874-3929

List all counties in which service is proposed:
Harris County

A. Check the appropriate box and provide information regarding the legal status of the applicant:

- ☒ Investor Owned Utility ☐ Individual ☐ Partnership
☐ Home or Property Owners Association ☐ For-profit Corporation
☐ Non-profit, member-owned, member-controlled cooperative corporation
(Water Code Chapter 67, Water Supply or Sewer Service Corporation)
☐ Municipality ☐ District ☒ Other - Please explain:

This is a joint application to remove YES Prep's property from Suburban Utility CO.'s CCN No. 10835. YES Prep is a Texas non-profit corporation and a Texas Open-Enrollment Charter School. Suburban is a Texas corporation and an Investor Owned Utility.

B. If the applicant is a For-Profit business or corporation, please include the following information:

- i. A copy of the corporation's "Certification of Account Status" from the Texas State Comptroller of Public Accounts. **SEE ATTACHMENT 2.**
- ii. The corporation's charter number as recorded with the Office of the Texas Secretary of State: YES Prep 0148293601, Suburban 0800689267
- iii. A listing of all stockholders and their respective percentages of ownership.
- iv. A copy of the company's organizational chart, if available.
- v. A list of all directors and disclose the title of each individual. **Suburban's 2014 Public Information Report containing a list of directors is attached as Attachment 3.**
- vi. A list of all affiliated organizations (if any) and explain the affiliate's business relationship with the applicant.

C. If the applicant is a Texas Water Code (TWC) Chapter 67 water supply or sewer service corporation please provide:

- i. A copy of the Articles of Incorporation and By-Laws.
- ii. The corporation's charter number as recorded with the Office of the Texas Secretary of State.
- iii. Identification of all board members including name, address, title, and telephone number.
- iv. A copy of the corporation's *Certificate of Account Status* from the Texas Comptroller of Public Accounts.

2. Location Information

- A. Are there people already living in the proposed area? ☐ Yes ☒ No
If YES, are any currently receiving utility service? ☐ Yes ☐ No
If YES, from WHOM? N/A The proposed area to be decertified is a school campus with no one living on it.

B. Demonstrate the Need for Service by providing the following:

Have you received any requests for service in the requested service area?

☒ Yes ☐ No **YES Prep Public Schools, Inc.**

If YES, provide the following: **SEE ATTACHMENTS 4 THROUGH 7.**

- i. Describe the service area and circumstances driving the need for service in the requested area. Indicate the name(s) and address(es) of landowner(s), prospective landowner(s), tenant(s), or resident(s) that have requested service; and/or
- ii. Describe the economic need(s) for service in the requested area (i.e. plat approvals, recent annexation(s) or annexation request(s), building permits, septic tank permits, hospitals, etc.); and/or
- iii. Discuss in detail the environmental need(s) for service in the requested area (i.e. failing septic tanks in the requested area, fueling wells, etc.); and/or
- iv. Provide copies of any written application(s) or request(s) for service in the requested area; and/or
- v. Provide copies of any reports and/or market studies demonstrating existing or anticipated growth in the requested area.
- vi. If none of these items exist or are available, please justify the need for service in the proposed area in writing.

Note: Failure to demonstrate a need for additional service in the proposed service area may result in the delay and /or possible denial of the application.

C. Is any portion of the proposed service area inside an incorporated city or district?

☒ Yes ☐ No

If YES, within the corporate limits of: City of Aldine

Provide a copy of any franchise, permit, or consent granted by the city or district. If not available please explain:

Approval documentation is not needed from the City of Aldine because Suburban Utility CO. is the retail water utility provider for the area that is the subject of this Application. An alternative service provider, Sunbelt FWSD, is available to provide retail water service to the area that is the subject of this Application.

D. Is any portion of the proposed service area inside another utility's CCN area?

☒ Yes ☐ No **Suburban Utility CO.**

If YES, has the current CCN holder agreed to decertify the proposed area?

Yes.

If NO, are you seeking dual or single certification of the area? Explain why decertification of the area is in the public interest:

Decertification is in the best interest of the public because the property owner of the area that is the subject of this Application would benefit from receiving retail water service from Sunbelt FWSD. Yes Prep Public Schools, Inc. has entered into a Settlement Agreement with Suburban Utility CO. that establishes that both parties agreed to decertify YES Prep's North Central Property (the area subject to this Application) from Suburban's retail water CCN service area. A copy of the Settlement Agreement is attached as Attachment. PUC has also entered an Emergency Order in Docket No. 44322 that the parties file a joint application to amend Suburban's retail Water CCN to decertify YES Prep's North Central Campus.

3. Map Requirements

Attach the following hard copy maps with each copy of the application:

- A. A location map delineating the proposed service area with enough detail to accurately locate the proposed area within the county. **SEE ATTACHMENT 8.**
- B. A map showing only the proposed area by:
 - i. metes and bounds survey certified by a licensed state or register professional land surveyor; or
 - ii. projectable digital data with metadata (proposed areas should be in a single record and clearly labeled).
Also, a data disk labeled with the applicant's name must be provided; or
 - iii. following verifiable natural and man-made landmarks; or
 - iv. a copy of recorded plat map with metes and bounds.
- C. A written description of the proposed service area. **SEE ATTACHMENT 9.**
- D. Provide separate and additional maps of the proposed area(s) to show the following:
 - i. all facilities, illustrating separately facilities for production, transmission, and distribution of the applicant's service(s); and
 - ii. any facilities, customers or area currently being served outside the applicant's certificated area(s).

More time is required to compile digital mapping data than by the deadline to submit this application of 12:00 p.m. on April 16, 2015. Digital data will be filed to supplement this application as soon as possible.

Note: Failure to provide adequate mapping information may result in the delay or possible denial of your application.

Digital data submitted in a format other than ArcView shape file or Arc/Info E00 file may result in the delay or inability to review applicant's mapping information.

For information on obtaining a CCN base map or questions about sending digital map data, please visit the Water Utilities section of the PUC website for assistance.

4. New System Information or Utilities Requesting a CCN for the First Time

- A. Please provide the following information:
 - i. a list of public drinking water supply system(s) or sewer system(s) within a 2 mile radius of the proposed system;
 - ii. copies of written requests seeking to obtain service from each of the public drinking water systems or sewer systems listed in a. 1 above or documentation that it is not economically feasible to obtain service from each entity;
 - iii. copies of written responses from each system or evidence that they did not reply; and
 - iv. for sewer utilities, documentation showing that you have obtained or applied for a wastewater discharge permit.
- B. Were your requests for service denied? ☐ Yes ☒ No

- i. If yes, please provide documentation of the denial of service and go to c.
 - ii. If no, please provide a detailed analysis which justifies your reasons for not accepting service. A separate analysis must be prepared and submitted for each utility that granted your request for service.
- C. Please summarize how the proposed utility system will be constructed and describe each projected construction phase, if any:
- N/A. This application does not pertain to a new system or a utility requesting a CCN for the first time. This is an application to remove YES Prep's North Central Campus from Suburban Utility CO.'s CCN so YES Prep can obtain service from Sunbelt FWSD pursuant to the PUC Emergency Order that is attached as Attachment 6.
- D. Date of plat approval, if required: N/A. No new system.
 Approved by: N/A. No new system.
- E. Date Plans & Specifications submitted to the TCEQ for approval:
N/A. No new system. Attach copy of approval letter, if available. If the letter is not available by the time your CCN application is submitted, please supplement your application with a copy of the letter once you receive it from the TCEQ.
- F. Date construction is scheduled to commence: N/A. No new system.
- G. Date service is scheduled to commence: N/A. No new system.

5. Existing System Information

A. Please provide the following information for each water and/or sewer system, attach additional sheets if necessary.

i. Water system(s): TCEQ Public Water System identification number(s):

1	0	1	0	1	1	1											

ii. Sewer system(s): TCEQ Discharge Permit number(s)

W	Q						-			
---	---	--	--	--	--	--	---	--	--	--

W	Q						-		
---	---	--	--	--	--	--	---	--	--

W	Q								
---	---	--	--	--	--	--	--	--	--

- B. Provide the following information about the utility's certified water and/or sewer operators**

[illegible]

- Attach additional sheet(s) if necessary -

- C. Using the current number of customers, is any facility component in systems named in #5A above operating at 85% or greater of minimum standard capacity?
- ☐ Yes
- ☐ No

Attach a copy of the 85% rule compliance document filed with the TCEQ if the system is operating at 85% or greater of the TCEQ's minimum standard capacity requirements.

- D. In the table below, the number of existing and/or proposed metered and non-metered connections (by size). The proposed number should reflect the information presented in the business plan or financial **documentation** and reflect the number of service requests identified in Question 2.b in the application.

TCEQ Water System			TCEQ Sewer System		
Connection	Existing	Proposed	Connection	Existing	Proposed
5/8" or 3/4" meter			Residential		
1" meter or larger			Commercial		
Non-Metered			Industrial		

TCEQ Water System			TCEQ Sewer System		
Other:			Other:		
Total Water			Total Sewer		

- E. If this application is for a water CCN only, please explain how sewer service is or will be provided:

N/A. Sewer service is not at issue.

- F. If this application is for a sewer CCN only, please explain how water service is or will be provided:

N/A. This application is not regarding a sewer CCN.

- G. Effect of Granting a Certificate Amendment.

Explain in detail the effect of granting of a certificate or an amendment, including, but not limited to regionalization, compliance and economic effects on the following:

- i. the applicant,
- ii. any retail public utility of the same kind already serving the proximate area; and
- iii. any landowner(s) in the requested area.

- H. Do you currently purchase or plan to purchase water or sewer treatment capacity from another source?

i. ☐ No, (skip the rest of this question and go to #6)

ii. ☒ Yes, Water

Purchased on a ☒ Regular ☐ Seasonal ☐ Emergency basis?

Water Source	% of Total Treatment
Sunbelt FWSD	100.00%

Water Source	% of Total Treatment
	0.00%
	0.00%

iii. ☐ Yes, Sewer treatment capacity

Purchased on a ☐ Regular ☐ Seasonal ☐ Emergency basis?

Sewer Source	% of Total Treatment
	0.00%
	0.00%
	0.00%

iv. Provide a signed and dated copy of the most current water or sewer treatment capacity purchase agreement or contract. **SEE ATTACHMENT 7.**

I. Ability to Provide Adequate Service.

Describe the ability of the applicant to provide adequate service, including meeting the standards of the commission, taking both of the following items into consideration:

- i. the current and projected density; and
- ii. the land use of the requested area.

J. Effect on the Land. Explain the effect on the land to be included in the certificated area.

The land that is subject to this application will benefit from the decertification of the property from Suburban Utility CO.'s because the land can be served by an alternative water supplier, Sunbelt FWSD, that currently provides water for fire flow purposes to the land.

6. Financial Information

A. For new water and/or sewer systems and for applicants with existing CCNs who are constructing a new stand-alone water and/or sewer system:

- i. the applicant must provide an analysis of all necessary costs for constructing, operating, and maintaining the system, and the source of that capital (such as a financial statement for the developing entity) for which the CCN is requested for at least the first five years. In addition, if service has been offered by an existing retail water service provider as stated in #4.A., but the applicant has determined that the cost of service as finally offered renders the project not economically feasible, the applicant must provide a comparison analysis of all necessary costs for acquiring and continuing to receive service from the existing system for the same period.
- ii. Attach projected profit and loss statements, cash flow worksheets, and balance sheets (projected five year financial plan worksheet is attached) for each of the first five years of operation. Income from rates

should correlate to the projected growth in connections, shown on the projected profit and loss statement.

- iii. Attach a proposed rate schedule or tariff. Describe the procedure for determining the rates and fees and indicate the date of last change, if applicable. Attach copies of any cost of service studies or rate analysis worksheets.

B. For existing water and/or sewer systems:

- i. Attach a profit and loss statement and current balance sheet for existing businesses (end of last fiscal year is acceptable). Describe sources and terms for borrowed capital such as loans, bonds, or notes (profit and loss and balance sheet worksheets are attached, if needed).
- ii. Attach a proposed rate schedule or tariff.

❖ **Note: An existing water and/or sewer system may be required to provide the information in 6.A.i. above during the technical review phase if necessary for staff to completely evaluate the application**

C. Identify any funds you are required to accumulate and restrict by lenders or capital providers.

- D. In lieu of the information in #6.A. thru #6.C., you may provide information concerning loan approvals within the last three (3) years from lending institutions or agencies including the most recent financial audit of the applicant.

❖ **Note: Failure to provide adequate financial information may result in the delay or possible denial of your application.**

7. Notice Requirements

- A. All proposed notice forms must be completed and submitted with the application. Do not mail or publish the notices until you receive written approval from the commission to do so.

- B. The commission cannot grant a CCN until proper notice of the application has been given. Commission rules do not allow a waiver of notice requirements for CCN applicants.

- C. It is the applicant's responsibility to ensure that proper notice is given to all entities that are required to receive notice.

- D. Recommended notice forms for publication, neighboring cities and systems, landowners with 25 acres or more, and customers are included with this application for use in preparing proposed notices. (Notice forms are available in Spanish upon request.)

- E. After reviewing and, if necessary, modifying the proposed notice, the commission will send the notice to the applicant after the application is accepted for filing along with instructions for publication and/or mailing. Please review the notice carefully before providing the notice.

F. Notice For Publication:

The applicant shall publish the notice in a newspaper with general circulation in the county(ies) where a CCN is being requested. The notice must be published once each week for two consecutive weeks beginning with the week after the notice is received from the commission. Proof of publication in the form of a publisher's affidavit shall be submitted to the commission within 30 days of the last publication date. The affidavit shall state with specificity each county in which the newspaper is of general circulation.

G. Notice To Neighboring Utilities:

- i. List all neighboring retail public utilities and cities providing the same utility service within the following vicinities of the applicant's proposed certificate area. **SEE ATTACHMENT 10.**
- ii. For applications for the issuance of a NEW CCN, the applicant must mail the notice with a copy of the proposed CCN map to all cities and neighboring retail public utilities providing the same utility service within five (5) miles of the requested service area.

- iii. For applications for the AMENDMENT of a CCN, the applicant must mail the notice with a copy of the proposed CCN map to all cities and neighboring retail public utilities providing the same utility service within two (2) miles of the requested service area.
- H. Notice to Customers:
Investor Owned Utilities (IOUs) that are currently providing service without a CCN must provide individual mailed notice to all current customers. The notice must contain the current rates, the date those rates were instituted and any other information required in the application.
- I. The commission may require the applicant to deliver notice to other affected persons or agencies.

Do not publish or send copies of the proposed notices to anyone at the time you submit the application to the commission. Wait until you receive written authorization to do so. Authorization occurs after the commission has reviewed the notices for completeness, and your application has been accepted for filing. Once the application is accepted for filing, you will receive written authorization to provide notice. Please check the notices for accuracy before providing them to the public. It is the applicant's burden to ensure that correct and accurate notice is provided.

OATH

STATE OF Texas
COUNTY OF Travis

I, Ty Embrey, being duly sworn, file this application as Attorney for YES Prep Public Schools, Inc. (indicate relationship to Applicant, that is, owner, member of partnership, title as officer of corporation, or other authorized representative of Applicant); that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the maps and financial information filed with this application, and have complied with all the requirements contained in this application; and, that all such statements made and matters set forth therein are true and correct. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Public Utility Commission of Texas.

I further represent that the application form has not been changed, altered or amended from its original form.

I further represent that the Applicant will provide continuous and adequate service to all customers and qualified applicants for service within its certificated service area.



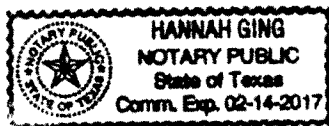
AFFIANT

(Utility's Authorized Representative)

If the Affiant 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, a Notary Public in and for the State of Texas,
This day 16th of April 20 15

SEAL



NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

Hannah Ging

PRINT OR TYPE NAME OF NOTARY

MY COMMISSION EXPIRES 2-14-2017

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 Chrisman 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 77036; (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 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
(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 Chrisman 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.

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.

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

Docket No. 44621
Joint Application of YES Prep Public Schools and Suburban Utility CO. to Decertify YES Prep
Property from Suburban Utility CO.'s Certificated Service Area

Index of Attachments

- Attachment 1 – Applicants' Information
- Attachment 2 – Applicants' Certifications of Account Status
- Attachment 3 – Suburban Utility CO. 2014 Texas Franchise Tax Public Information Report
- Attachment 4 – YES Prep Public Schools, Inc. Application for Emergency Order to Obtain
Water Service from Sunbelt Fresh Water Supply District
- Attachment 5 – Unopposed Settlement Agreement Between YES Prep Public Schools, Inc. and
Suburban Utility CO.
- Attachment 6 – PUC Emergency Order
- Attachment 7 – Current Draft of Emergency Water Supply Agreement Between Sunbelt Fresh
Water Supply District and YES Prep Public Schools, Inc.
- Attachment 8 – General Location Maps
- Attachment 9 – Written Description of YES Prep Public Schools, Inc.'s North Central Campus
- Attachment 10 – List of Neighboring Utilities, Systems, Cities, and Landowners within 2 Miles
of the Area to be Decertified

Attachment 1

Applicants' Information

Docket No. 44621
Joint Application of YES Prep Public Schools and Suburban Utility CO. to Decertify YES Prep
Property from Suburban Utility CO.'s Certificated Service Area

Question 1. Applicants' Information

Entity name: YES Prep Public Schools, Inc.
Certificate number: N/A. YES Prep is not a utility and does not have a CCN.
Street address: 6201 Bonhomme, Suite 168N, Houston, TX 77036
Mailing address: N/A. Same as above.
Entity phone number and fax: Phone (713) 967-9075; Fax (713) 589-2502

Utility name: Suburban Utility CO.
Certificate number: CCN No. 10835
Street address: 27493 Hanna Rd., Suite 2, Conroe, TX 77385
Mailing address: N/A. Same as above.
Utility phone number and fax: Phone (281) 367-4065

Attachment 2

Applicants' Certifications of Account Status



Franchise Tax Account Status

As of: 04/15/2015 05:36:38 PM

This Page is Not Sufficient for Filings with the Secretary of State

YES PREP PUBLIC SCHOOLS INC.	
Texas Taxpayer Number	17605638356
Mailing Address	353 CRENSHAW RD HOUSTON, TX 77034-1543
Right to Transact Business in Texas	ACTIVE
State of Formation	TX
Effective SOS Registration Date	03/17/1998
Texas SOS File Number	0148293601
Registered Agent Name	JASON BERNAL
Registered Office Street Address	6201 BONHOMME RD. STE. 168-N HOUSTON, TX 77036



Franchise Tax Account Status

As of: 04/15/2015 05:52:24 PM

This Page is Not Sufficient for Filings with the Secretary of State

SUBURBAN UTILITY CO	
Texas Taxpayer Number	32020333194
Mailing Address	27493 HANNA RD STE 2 CONROE, TX 77385-6624
Right to Transact Business in Texas	ACTIVE
State of Formation	TX
Effective SOS Registration Date	08/03/2006
Texas SOS File Number	0800689267
Registered Agent Name	MICHAEL M MARTIN SR
Registered Office Street Address	27493 HANNA ROAD, SUITE NUMBER 2 CONROE, TX 77385

Attachment 3

Suburban Utility CO. 2014 Texas Franchise Tax Public Information Report


 05-102
 (Rev 9-11/30)

Tax Code 13196 Franchise

Texas Franchise Tax Public Information Report

 To be filed by Corporations, Limited Liability Companies (LLC) and Financial Institutions
 This report MUST be signed and filed to satisfy franchise tax requirements

Taxpayer number

3 2 0 2 0 3 3 3 1 9 4

Report year

2 0 1 4

You have certain rights under Chapter 552 and 559, Government Code, to review, request, and correct information we have on file about you. Contact us at (800) 252-1381 or (512) 463-4600.

Taxpayer name SUBURBAN UTILITY CO				Secretary of State (SOS) file number or Comptroller file number 0800689267			
Mailing address 27493 HANNA RD STE 2							
City CONROE	State TX	ZIP Code 77385	Plus 4				

Blacken circle if there are currently no changes from previous year; if no information is displayed, complete the applicable information in Sections A, B and C.

Principal office
Principal place of business

Please sign below!

Officer, director and manager information is reported as of the date a Public Information Report is completed. The information is updated annually as part of the franchise tax report. There is no requirement or procedure for supplementing the information as officers, directors, or managers change throughout the year.


SECTION A Name, title and mailing address of each officer, director or manager.

320203319414

Name MITCHELL M MARTIN JR	Title DIRECTOR	Director <input checked="" type="radio"/> YES	Term expiration m m d d y y [][][][][][]
Mailing address 27493 HANNA RD. #2	City CONROE	State TX	ZIP Code 77385
Name MITCHELL M MARTIN JR	Title TREASURER	Director <input type="radio"/> YES	Term expiration m m d d y y [][][][][][]
Mailing address 27493 HANNA RD. #2	City CONROE	State TX	ZIP Code 77385
Name MICHAEL M MARTIN SR	Title VICE PRESI	Director <input type="radio"/> YES	Term expiration m m d d y y [][][][][][]
Mailing address 27493 HANNA RD. #2	City CONROE	State TX	ZIP Code 77385

SECTION B Enter the information required for each corporation or LLC, if any, in which this entity owns an interest of 10 percent or more.

Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership
Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership

SECTION C Enter the information required for each corporation or LLC, if any, that owns an interest of 10 percent or more in this entity or limited liability company.

Name of owned (parent) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership
-----------------------------------------------------------------	--------------------	-------------------------------	-------------------------

Registered agent and registered office currently on file. (see instructions if you need to make changes)

 Agent: **MICHAEL M MARTIN SR**

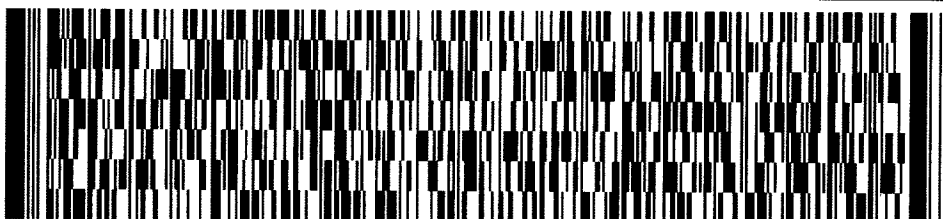
Blacken circle if you need forms to change the registered agent or registered office information.

Office: 27493 HANNA ROAD, SUITE NUMBER 2	City CONROE	State TX	ZIP Code 77385
-------------------------------------------------	-----------------------	--------------------	--------------------------

The above information is required by Section 171.203 of the Tax Code for each corporation or limited liability company that files a Texas Franchise Tax Report. Use additional sheets for Sections A, B, and C, if necessary. The information will be available for public inspection.

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the date below, and that a copy of this report has been mailed to each person named in this report who is an officer, director or manager and who is not currently employed by this, or a related, corporation or limited liability company.

sign here michael m martin	Title Electronic	Date 05-15-2014	Area code and phone number (281) 444-7747
-----------------------------------	----------------------------	---------------------------	-----------------------------------------------------

Texas Comptroller Official Use Only


VE/DE <input type="radio"/>	PIR IND <input type="radio"/>
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05-102
(Rev. 9-11/30)

Texas Franchise Tax Public Information Report

To be filed by Corporations, Limited Liability Companies (LLC) and Financial Institutions

This report **MUST** be signed and filed to satisfy franchise tax requirements

■ Taxcode 13196 Franchise

■ Taxpayer number

3 2 0 2 0 3 3 3 1 9 4

■ Report year

2 0 1 4

You have certain rights under Chapter 552 and 559, Government Code, to review, request, and correct information we have on file about you. Contact us at (800) 252-1381 or (512) 463-4600.

Taxpayer name SUBURBAN UTILITY CO			
Mailing address 27493 HANNA RD STE 2			Secretary of State (SOS) file number or Comptroller file number 0800689267
City CONROE	State TX	ZIP Code 77385	Plus 4

● Blacken circle if there are currently no changes from previous year; if no information is displayed, complete the applicable information in Sections A, B and C.

Principal office
Principal place of business

Please sign below!

Officer, director and manager information is reported as of the date a Public Information Report is completed. The information is updated annually as part of the franchise tax report. There is no requirement or procedure for supplementing the information as officers, directors, or managers change throughout the year.



SECTION A Name, title and mailing address of each officer, director or manager.

3202033319414

Name MICHAEL M MARTIN SR	Title SECRETARY	Director <input type="radio"/> YES	Term expiration m m d d y y
Mailing address 27493 HANNA RD. #2	City CONROE	State TX	ZIP Code 77385
Name MITCHELL M MARTIN JR	Title PRESIDENT	Director <input type="radio"/> YES	Term expiration m m d d y y
Mailing address 27493 HANNA RD. #2	City CONROE	State TX	ZIP Code 77385
Name MICHAEL M MARTIN SR	Title DIRECTOR	Director <input checked="" type="radio"/> YES	Term expiration m m d d y y
Mailing address 27493 HANNA RD. #2	City CONROE	State TX	ZIP Code 77385

SECTION B Enter the information required for each corporation or LLC, if any, in which this entity owns an interest of 10 percent or more.

Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership
Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership

SECTION C Enter the information required for each corporation or LLC, if any, that owns an interest of 10 percent or more in this entity or limited liability company.

Name of owned (parent) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership
-----------------------------------------------------------------	--------------------	-------------------------------	-------------------------

Registered agent and registered office currently on file. (see instructions if you need to make changes) ☐ Blacken circle if you need forms to change the registered agent or registered office information.

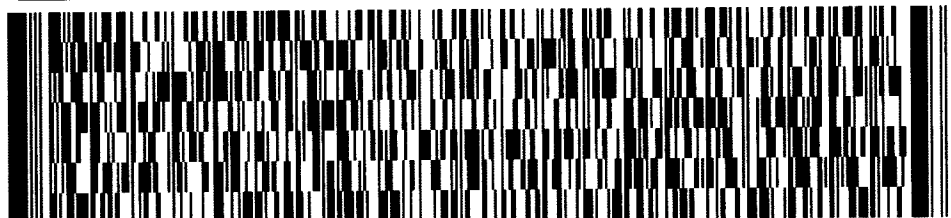
Agent: MICHAEL M MARTIN SR	City CONROE	State TX	ZIP Code 77385
Office: 27493 HANNA ROAD, SUITE NUMBER 2			

The above information is required by Section 171.203 of the Tax Code for each corporation or limited liability company that files a Texas Franchise Tax Report. Use additional sheets for Sections A, B, and C, if necessary. The information will be available for public inspection.

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the date below, and that a copy of this report has been mailed to each person named in this report who is an officer, director or manager and who is not currently employed by this, or a related, corporation or limited liability company.

Signature michael m martin	Title Electronic	Date 05-15-2014	Area code and phone number (281) 444-7747
--------------------------------------	----------------------------	---------------------------	-----------------------------------------------------

Texas Comptroller Official Use Only



VE/DE <input type="radio"/>	PIR IND <input type="radio"/>
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Attachment 4

YES Prep Public Schools, Inc. Application for Emergency Order to Obtain Water Service from Sunbelt Fresh Water Supply District



Mr. Embrey's Direct Line: (512) 322-5829
tembrey@lglawfirm.com

44322

16 Congress Avenue, Suite 1900

Austin, Texas 78701

512.322.5800 p

512.472.0532 f

lglawfirm.com

RECEIVED

2015 JAN 15 AM 9:12

FILED
FILING CLERK

January 14, 2015

VIA HAND DELIVERY

Brian H. Lloyd
Executive Director
Public Utility Commission of Texas
P.O. Box 13326
Austin, Texas 78711-3326

RE: Request for Emergency Order to Obtain Water Service from Sunbelt Fresh Water Supply District pursuant to 16 TAC 24.14

Dear Mr. Lloyd:

This letter serves as the request of Yes Prep Public Schools ("YES Prep") for the Public Utility Commission of Texas ("PUC") to issue an emergency order pursuant to 16 Texas Administrative Code 24.14 to enable Prep's charter school campus in Aldine ("YES Prep North Central Campus") to receive emergency water service from Sunbelt Fresh Water Supply District ("Sunbelt FWSD"). I am providing you with this letter request in my capacity as an attorney for Yes Prep.

Yes Prep's North Central Campus is located within the retail water certificate of convenience and necessity service area of Suburban Water Company and the YES Prep North Central Campus has suffered numerous and significant water problems for some time. The water problems include multiple water shutoffs that have intensified over the last three (3) months. The enclosed Houston Chronicle article provides more examples of the water problems the YES Prep North Central Campus has experienced with the water service provided by Suburban Water Company.

In order to protect the health and well-being of the over one thousand (1000) students and faculty that attend and work at the Aldine Campus, YES Prep requests that the PUC immediately issue an emergency order to enable YES Prep to obtain the necessary water service the North Central Campus needs from Sunbelt FWSD. Currently, the North Central Campus has a five (5) inch water line that provides an interconnection to the water distribution system of Sunbelt FWSD and the North Central Campus can receive water service through this five inch water line.

YES Prep would ask for the PUC to issue this emergency order without a hearing as the provisions of 16 TAC 24.14 allow.

Thank you for the consideration of this important request. Please contact me at (512) 322-5829 or tembrey@lglawfirm.com with any questions you may have.

Brian Lloyd
Public Utility Commission of Texas
January 14, 2015
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Ty H. Embrey", with a stylized, cursive script.

Ty H. Embrey

CC: Nicole Montgomery, General Counsel, Yes Prep Public Schools

Enclosure

HOUSTON CHRONICLE

HOUSTON

Poor water service forces Aldine charter school to flush toilets with buckets

School forced to flush toilets with buckets in midst of lengthy dispute

by Ericka Mellon | November 16, 2014

2



Image 1 out of 2

Cody O'Leary/Staff

Operations Manager Matt Hansen says YES Prep North Central spends about \$300 on bottled water every day the school's water goes out.

Dozens of five-gallon water jugs and cases of bottled water fill a closet at the YES Prep charter school in Aldine. It's the emergency stash for when the water shuts off unexpectedly for hours, a persistent problem over the last year and a half, school officials say.

To flush the toilets, students and staff have to pour in water from buckets. Hand sanitizer follows. Teachers, on their off periods, escape to a fast-food joint to use the restroom. In the modest homes nearby, also affected by repeated service interruptions, residents put off showers and laundry and cook with their own bottled stashes.

In this unincorporated area of Harris County, there's no governmental entity that provides water, no city councilman to hold accountable for problems. Instead, water here is provided by a private company, Suburban Utility, which has been cited numerous times by state regulators for insufficient equipment

More than 500 for-profit water companies operate across Texas. When their equipment ages or breaks, they can't levy taxes or ask voters to approve a bond issue. In the case of Suburban Utility, the firm is seeking to charge customers an extra \$60 a month to improve its infrastructure, but the state has not approved the surcharge. The Texas Commission on Environmental Quality called the fee an unjust burden on hundreds of poor families and blamed the company for "a history of mismanagement," public records show.

The disputed case over the proposed rate hike is pending before the Public Utility Commission. The Texas Attorney General's Office recently filed a lawsuit against Suburban Utility on behalf of the state environmental agency, seeking fines that may top \$1 million and mandatory fixes including installing more wells to increase capacity.

Debate with state

Attorney Les Romo, who represents Suburban Utility, said the problem is not the company's management but state regulations that make it hard for a private entity to raise its rates or secure a loan from the Texas Water Development Board.

"The state has always let it be known that they don't like private entities," Romo said. "(The company owners) want to make some improvements. You can only fix what you can afford to fix."

The debate means little to the students and staff at YES Prep's North Central campus, which had no water service or low pressure and had to boil water for possible contaminants for three straight days this month, school leaders said.

"We're at the mercy of bureaucracy and regulatory agencies," said Charles Klein, director of facilities for YES Prep.

Over the last 15 months, Klein said, the campus faced significant water problems during school hours at least 20 times. On a couple of bad days, school leaders told students to stay home.

Help from neighbor

Every time the water goes out, the school spends about \$300 on bottled water, said Matt Hansen, operations manager. To fill the five-gallon jugs for the toilet water, the school has had help from a sympathetic neighboring business, Texas Energy Laboratories, which has a different water provider. The company allows school employees to stretch a hose across a field, and they load jugs onto a dolly.

On days with no water, the school keeps open only one restroom for boys, one for girls and one single stall. That leaves about 950 middle and high school students and 85 employees vying for eight stalls.

Teachers stand outside with buckets to empty into the toilets after each student exits.

"Even when I go to Mexico, I don't have to do that," said Alondra Cortez, an eighth-grader.

Emily Gaona, a senior, said it's hard to concentrate in class during water outages.



HOUSTON

Study: EPA rules will cost Texas consumers



Trevino sentenced to 1 years of probation

Around the area and state:

Houston patient causes brief Ebola scare



DuPont plant remains closed as search for answers begins

Houston courts offer ticket amnesty

"When the water's out, I'm focused on that," she said. "I'm angry."

'It's been a headache'

The interruptions have become so frustrating, said YES spokeswoman Trisha Cornwell, that school officials have started asking, "Are we going to spend money to drill our own well?"

"We believe all students should have an opportunity for an equal education," said Michelle LaFlure, principal of YES Prep North Central. "When we have to focus on basic needs like water, it's taking the administration away from supporting teachers - who have the most direct impact on students."

The nearby Aldine Independent School District has a couple of its own wells but "it's been a headache," said spokeswoman Leticia Fehling. Some campuses get water from a municipal-utility district, which has an elected board and taxing power, while others fall within the city of Houston for service.

Gaby Escalante, who lives near YES Prep in the Castlewood neighborhood, also serviced by Suburban Utility, said the water problems have worsened in the last year, with poor pressure or outages about once a week recently.

Taking precautions

She now tells her two children, aged 10 and 13, to shower at night in case nothing drips out in the mornings before school. She drives about 15 minutes to her mom's house in the city to use the washing machine.

"Dishes, they start piling up," she said.

State lawmakers, trying to improve oversight of water utilities, passed a bill last session to move some authority from the Texas Commission on Environmental Quality to the Public Utility Commission. The switch took effect in September.

"Best I can tell, the laws in place can work. We just need stronger enforcements," said Democratic state Sen. Sylvia Garcia, a former Harris County commissioner whose district includes Aldine. "We need to make sure we can hold companies like these accountable."

State Rep. Armando Walle, who also represents the area, said the state needs to speed up the process for taking action against poor-performing companies. Records from the state environmental agency cite Suburban for violating standards dating back to at least 2003.

"We're a prosperous region," Walle said. "It's unfathomable to have people in substandard living conditions."



Ericka Mellon
Reporter Houston Chronicle

File Copy

Lloyd



Gosselink

ATTORNEYS AT LAW

RECEIVED

2015 JAN 27 AM 11:58

FILING CLERK
January 27, 2015

816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5800
Facsimile: (512) 472-0532

www.lgawfirm.com

VIA HAND DELIVERY

Public Utility Commission
William B. Travis Building
1701 N. Congress
Austin, Texas 78701

RE: PUC Docket No. 44322
Amendment to Emergency Order Application

To Whom It May Concern:

As the attorney for YES Prep Public Schools ("YES Prep"), I file this Amendment to the Emergency Order Application which was originally filed with the Public Utility Commission ("PUC") on January 15, 2015. YES Prep seeks an Emergency Order from the PUC to compel Suburban Water Company to provide continuous and adequate water service to YES Prep's North Central Campus by allowing Sunbelt Fresh Water Supply District to provide water service to the North Central Campus.

In response to 16 Texas Administrative Code §22.295(b)(2), YES Prep is not seeking nor has it obtained an emergency order from the Texas Commission on Environmental Quality.

In response to 16 TAC §22.295(b)(3), the name, address, and telephone number for myself and YES Prep are as follows:

Ty Embrey
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701

YES Prep Public Schools Inc.
6201 Bonhomme Road, Suite 168N
Houston, Texas 77036

In response to 16 TAC §22.295(b)(4), the facility and location affected by the order would be YES Prep's North Central Campus located at 13703 Aldine-Westfield, Houston, Harris County, Texas, 77039.

In response to 16 TAC §22.295(b)(5), YES Prep's North Central Campus has experienced numerous water service outages for over a year and the frequency of those outages has increased over the last three (3) months. YES Prep is concerned about the health and safety of the over

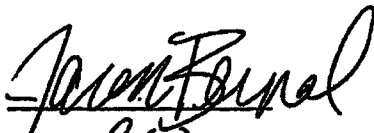
Lloyd Gosselink Rochelle & Townsend, P.C.

1000 students and faculty that go to school and work at the North Central Campus and believes the PUC should issue an emergency order to enable the North Central Campus obtain the water service it needs on a daily basis.

In response to 16 TAC §22.295 (b)(6), the document attached hereto as Exhibit "A" provides a listing of the number of water service outages that have occurred at YES Prep's North Central Campus. I have also attached an article from the Houston Chronicle that describes the water service issues experienced by YES Prep's North Central Campus over the last year. The Houston Chronicle article is attached as Exhibit "B".

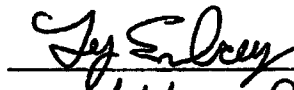
In response to 16 TAC §22.295(b)(7), YES Prep estimates that the proposed order and the activity (YES Prep receiving water service from Sunbelt Fresh Water Supply District) should begin on Monday, February 2 and end ninety (90) days later – approximately May 5, 2015.

In accordance with 16 TAC §22.295(b)(10), this application has been signed by the responsible corporate officer for YES Prep as follows:


Title: CEO

In accordance with 16 TAC §22.295(b)(10), I make the following declaration:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.


Title: Attorney for Yes Prep

cc: Les Romo, attorney for Suburban Water Company
Nicole Montgomery, General Counsel for YES Prep Public Schools Inc.
Elliot Barner, attorney for Sunbelt Fresh Water Supply District

Docket No. 44322

**YES Prep Public Schools
Amendment to Emergency Order Application**

LIST OF EXHIBITS

- | | |
|------------------|----------------------------------------------------------------------------------------------------------|
| Exhibit A | Listing of Water Service Outages |
| Exhibit B | Houston Chronicle Article |
| Exhibit C | Draft Emergency Water Supply Agreement |
| Exhibit D | Affidavit of Charles Klein – Director of Operations, Facilities Services, YES Prep Public Schools |
| Exhibit E | Affidavit of Ty Embrey – Attorney for YES Prep Public Schools |

Docket No. 44322
YES Prep Public Schools

Exhibit “A”

Reported "Outage" Count	Wireless Number	Caller Name	Date	Time	Orig. City/State	Called City/State	Dialed Number	In/Out
1	7133926995	Jose Jimenez	07/17/13	14:32:00	Houston 4G, TX	SPRING, TX	2813674065	Out
2	7133095046	Charles Klein	08/01/13	08:13:00	Houston 4G, TX	SPRING, TX	2813674065	Out
3	7133926995	Jose Jimenez	08/08/13	12:19:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
3	7133926995	Jose Jimenez	08/08/13	12:20:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
3	7133926995	Jose Jimenez	08/08/13	12:21:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
3	7133926995	Jose Jimenez	08/08/13	19:20:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
3	7133926995	Jose Jimenez	08/08/13	19:20:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
3	7133095046	Charles Klein	08/08/13	20:10:00	Houston 4G, TX	SPRING, TX	2813674065	Out
3	7133926995	Jose Jimenez	08/08/13	12:18:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
3	7133926995	Jose Jimenez	08/08/13	12:20:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
3	7133926995	Jose Jimenez	08/08/13	12:21:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
3	7133926995	Jose Jimenez	08/08/13	19:20:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
3	7133095046	Charles Klein	08/08/13	20:10:00	Houston 4G, TX	SPRING, TX	2813674065	Out
4	7133926995	Jose Jimenez	08/28/13	10:43:00	Houston 4G, TX	SPRING, TX	2813674065	Out
4	7133095046	Charles Klein	08/28/13	10:44:00	Houston 4G, TX	SPRING, TX	2813674065	Out
4	7133926995	Jose Jimenez	08/28/13	10:43:00	Houston 4G, TX	SPRING, TX	2813674065	Out
4	7133095046	Charles Klein	08/28/13	10:44:00	Houston 4G, TX	SPRING, TX	2813674065	Out
5	7133095046	Charles Klein	09/09/13	11:22:00	Houston 4G, TX	SPRING, TX	2813674065	Out
5	7133095046	Charles Klein	09/09/13	11:28:00	Houston 4G, TX	SPRING, TX	2813674065	Out
5	7133095046	Charles Klein	09/09/13	11:24:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
6	7133095046	Charles Klein	09/20/13	14:28:00	Houston 4G, TX	SPRING, TX	2813674065	Out
6	7133095046	Charles Klein	09/20/13	14:30:00	Houston 4G, TX	SPRING, TX	2813674065	Out
6	7133095046	Charles Klein	09/20/13	15:02:00	Houston 4G, TX	SPRING, TX	2813674065	Out
7	7133095046	Charles Klein	10/18/13	13:01:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
8	7133926995	Jose Jimenez	10/19/13	09:25:00	Houston 4G, TX	SPRING, TX	2813674065	Out
8	7133095046	Charles Klein	10/19/13	09:23:00	Houston 4G, TX	SPRING, TX	2813674065	Out
9	7133926995	Jose Jimenez	10/21/13	10:55:00	Houston 4G, TX	SPRING, TX	2813674065	Out
9	7133926995	Jose Jimenez	10/21/13	10:57:00	Houston 4G, TX	SPRING, TX	2813674065	Out
9	7133926995	Jose Jimenez	10/21/13	10:58:00	Houston 4G, TX	SPRING, TX	2813674065	Out
9	7133926995	Jose Jimenez	10/21/13	11:01:00	Houston 4G, TX	SPRING, TX	2813674065	Out
9	7133926995	Jose Jimenez	10/21/13	11:03:00	Houston 4G, TX	SPRING, TX	2813674065	Out
9	7133926995	Jose Jimenez	10/21/13	11:08:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
10	7133926995	Jose Jimenez	10/30/13	11:05:00	Houston 4G, TX	SPRING, TX	2813674065	Out
10	7133926995	Jose Jimenez	10/30/13	11:57:00	Houston 4G, TX	SPRING, TX	2813674065	Out
11	7133926995	Jose Jimenez	10/31/13	08:13:00	Houston 4G, TX	SPRING, TX	2813674065	Out

11	17133926995	Jose Jimenez	10/31/13	08:17:00	Houston 4G, TX	SPRING, TX	2813674065	Out
11	17133926995	Jose Jimenez	10/31/13	08:19:00	Houston 4G, TX	SPRING, TX	2813674065	Out
11	17133926995	Jose Jimenez	10/31/13	08:21:00	Houston 4G, TX	SPRING, TX	2813674065	Out
11	17133926995	Jose Jimenez	10/31/13	08:40:00	Houston 4G, TX	SPRING, TX	2813674065	Out
11	17133926995	Jose Jimenez	10/31/13	08:42:00	Houston 4G, TX	SPRING, TX	2813674065	Out
11	17133926995	Jose Jimenez	10/31/13	08:48:00	Houston 4G, TX	SPRING, TX	2813674065	Out
11	17133926995	Jose Jimenez	10/31/13	08:54:00	Houston 4G, TX	SPRING, TX	2813674065	Out
11	17133926995	Jose Jimenez	10/31/13	09:00:00	Houston 4G, TX	SPRING, TX	2813674065	Out
11	17133926995	Jose Jimenez	10/31/13	09:03:00	Houston 4G, TX	SPRING, TX	2813674065	Out
11	17133926995	Jose Jimenez	10/31/13	09:16:00	Houston 4G, TX	SPRING, TX	2813674065	Out
11	17133926995	Jose Jimenez	10/31/13	10:41:00	Houston 4G, TX	SPRING, TX	2813674065	Out
11	17133926995	Jose Jimenez	10/31/13	10:42:00	Houston 4G, TX	SPRING, TX	2813674065	Out
11	17133926995	Jose Jimenez	10/31/13	10:43:00	Houston 4G, TX	SPRING, TX	2813674065	Out
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11	17133926995	Jose Jimenez	10/31/13	11:38:00	Houston 4G, TX	SPRING, TX	2813674065	Out
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11	17133926995	Jose Jimenez	10/31/13	08:25:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
11	17133926995	Jose Jimenez	10/31/13	08:30:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
11	17133926995	Jose Jimenez	10/31/13	08:45:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
11	17133926995	Jose Jimenez	10/31/13	08:51:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
11	18328032582	Kimberly Rivers	10/31/13	08:52:00	Houston 4G, TX	SPRING, TX	2813674065	Out
11	18328032582	Kimberly Rivers	10/31/13	08:58:00	Houston 4G, TX	SPRING, TX	2813674065	Out
11	18328032582	Kimberly Rivers	10/31/13	09:17:00	Houston 4G, TX	SPRING, TX	2813674065	Out
11	17133095046	Charles Klein	10/31/13	08:47:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
11	17133095046	Charles Klein	10/31/13	10:00:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
11	17133095046	Charles Klein	10/31/13	10:03:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
12	17133926995	Jose Jimenez	11/01/13	13:47:00	Houston 4G, TX	SPRING, TX	2813674065	Out
12	17133926995	Jose Jimenez	11/01/13	14:16:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
12	17132498834	Keith Weaver	11/01/13	15:46:00	Houston, TX	SPRING, TX	2813674065	Out
12	17132498834	Keith Weaver	11/01/13	16:58:00	Houston 4G, TX	SPRING, TX	2813674065	Out
13	17133926995	Jose Jimenez	11/04/13	18:14:00	Houston 4G, TX	SPRING, TX	2813674065	Out
13	17133926995	Jose Jimenez	11/04/13	18:21:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
13	17133095046	Charles Klein	11/04/13	19:43:00	Houston 4G, TX	SPRING, TX	2813674065	Out
14	17132498834	Keith Weaver	11/14/13	08:11:00	Houston 4G, TX	SPRING, TX	2813674065	Out
15	17133095046	Charles Klein	11/26/13	12:42:00	Houston 4G, TX	SPRING, TX	2813674065	Out
15	17133095046	Charles Klein	11/26/13	15:43:00	Houston 4G, TX	SPRING, TX	2813674065	Out

16	7133095046	Charles Klein	11/27/13	08:54:00	Houston 4G, TX	SPRING, TX	2813674065	Out
17	7133926995	Jose Jimenez	03/03/14	10:25:00	Houston 4G, TX	SPRING, TX	2813674065	Out
17	7133926995	Jose Jimenez	03/03/14	14:59:00	Houston 4G, TX	SPRING, TX	2813674065	Out
17	7133926995	Jose Jimenez	03/03/14	10:26:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
17	7133926995	Jose Jimenez	03/03/14	10:29:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
17	7133926995	Jose Jimenez	03/03/14	11:17:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
17	7133926995	Jose Jimenez	03/03/14	12:38:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
17	7132498834	Keith Weaver	03/03/14	14:46:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
17	7132498834	Keith Weaver	03/03/14	14:54:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
17	7132498834	Keith Weaver	03/03/14	15:01:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
17	7133095046	Charles Klein	03/03/14	10:38:00	Houston 4G, TX	SPRING, TX	2813674065	Out
17	7133095046	Charles Klein	03/03/14	13:55:00	Houston 4G, TX	SPRING, TX	2813674065	Out
N/A-TCEQ	7133095046	Charles Klein	03/03/14	14:47:00	Houston 4G, TX	HOUSTON, TX	7137673650	Out
18	7132498834	Keith Weaver	03/04/14	19:41:00	Houston 4G, TX	SPRING, TX	2813674065	Out
18	7132498834	Keith Weaver	03/04/14	21:40:00	Houston 4G, TX	SPRING, TX	2813674065	Out
18	7133095046	Charles Klein	03/04/14	19:53:00	Houston 4G, TX	SPRING, TX	2813674065	Out
18	7133095046	Charles Klein	03/04/14	20:02:00	Houston 4G, TX	SPRING, TX	2813674065	Out
19	7133926995	Jose Jimenez	03/07/14	19:53:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
19	7133095046	Charles Klein	03/07/14	19:29:00	Houston 4G, TX	SPRING, TX	2813674065	Out
N/A-TCEQ	7133095046	Charles Klein	03/07/14	19:35:00	Houston 4G, TX	HOUSTON, TX	7137673650	Out
20	7133926995	Jose Jimenez	03/11/14	15:10:00	Houston 4G, TX	SPRING, TX	2813674065	Out
20	7132498834	Keith Weaver	03/11/14	15:00:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
N/A-TCEQ	7133095046	Charles Klein	03/11/14	15:00:00	Houston 4G, TX	HOUSTON, TX	7137673650	Out
N/A-TCEQ	7133095046	Charles Klein	03/19/14	15:15:00	Houston 4G, TX	INCOMING, CL	7137673680	In
21	7133095046	Charles Klein	05/28/14	19:57:00	Houston 4G, TX	SPRING, TX	2813674065	Out
21	7133095046	Charles Klein	05/28/14	19:58:00	Houston 4G, TX	SPRING, TX	2813674065	Out
21	7133095046	Charles Klein	05/28/14	19:51:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
21	7133095046	Charles Klein	05/28/14	19:53:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
21	7133095046	Charles Klein	05/28/14	19:53:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
22	7133926995	Jose Jimenez	09/12/14	10:19:00	Houston 4G, TX	SPRING, TX	2813674065	Out
N/A	7133095046	Charles Klein	10/15/14	11:37:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
23	7133095046	Charles Klein	10/21/14	15:22:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
23	7133095046	Charles Klein	10/21/14	16:14:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
23	7133095046	Charles Klein	10/21/14	16:15:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
23	7133095046	Charles Klein	10/21/14	10:49:00	Houston 4G, TX	SPRING, TX	2813674065	Out
23	7133926995	Jose Jimenez	10/21/14	9:14:00	Houston 4G, TX	SPRING, TX	2813674065	Out
23	7133926995	Jose Jimenez	10/21/14	9:38:00	Houston 4G, TX	SPRING, TX	2813674065	Out

23	7133926995	Jose Jimenez	10/21/14	10:47:00	Houston 4G, TX	SPRING, TX	2813674065	Out
23	7133926995	Jose Jimenez	10/21/14	16:05:00	Houston 4G, TX	SPRING, TX	2813674065	Out
24	7133926995	Jose Jimenez	11/04/14	9:11:00	Houston 4G, TX	SPRING, TX	2813674065	Out
24	7133926995	Jose Jimenez	11/04/14	9:45:00	Houston 4G, TX	SPRING, TX	2813674065	Out
24	7133926995	Jose Jimenez	11/04/14	14:14:00	Houston 4G, TX	SPRING, TX	2813674065	Out
24	7133926995	Jose Jimenez	11/04/14	14:17:00	Houston 4G, TX	SPRING, TX	2813674065	Out
24	7133926995	Jose Jimenez	11/04/14	14:22:00	Houston 4G, TX	SPRING, TX	2813674065	Out
24	7133926995	Jose Jimenez	11/04/14	14:47:00	Houston 4G, TX	SPRING, TX	2813674065	Out
24	7133926995	Jose Jimenez	11/04/14	14:57:00	Houston 4G, TX	SPRING, TX	2813674065	Out
24	7133926995	Jose Jimenez	11/04/14	15:47:00	Houston 4G, TX	SPRING, TX	2813674065	Out
24	7133926995	Jose Jimenez	11/04/14	16:19:00	Houston 4G, TX	SPRING, TX	2813674065	Out
24	7133926995	Jose Jimenez	11/04/14	16:28:00	Houston 4G, TX	SPRING, TX	2813674065	Out
24	7133926995	Jose Jimenez	11/04/14	16:31:00	Houston 4G, TX	SPRING, TX	2813674065	Out
25	7133095046	Charles Klein	11/05/14	7:42:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
25	7133926995	Jose Jimenez	11/05/14	7:51:00	Houston 4G, TX	SPRING, TX	2813674065	Out
25	7133926995	Jose Jimenez	11/05/14	9:37:00	Houston 4G, TX	SPRING, TX	2813674065	Out
25	7133926995	Jose Jimenez	11/05/14	9:41:00	Houston 4G, TX	SPRING, TX	2813674065	Out
26	7133095046	Charles Klein	11/08/14	6:34:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out
26	7133926995	Jose Jimenez	11/08/14	13:32:00	Houston 4G, TX	BAMMEL, TX	2814447747	Out

OUTAGES Post-Current Call Database								
N/A	TCEQ-Required, Planned Periodic Maintenance Outages		12/09/14					
N/A	TCEQ-Required, Planned Periodic Maintenance Outages		12/10/14					
N/A	TCEQ-Required, Planned Periodic Maintenance Outages		12/11/14					
27	Leak in Line		12/19/14	8:30 a.m. - 1:30 p.m.				
28	Outage		12/22/14	8:13 a.m. - ?				

Docket No. 44322
YES Prep Public Schools

Exhibit “B”

HOUSTON

HOUSTON

Poor water service forces Aldine charter school to flush toilets with buckets

chool forced to flush toilets with buckets in midst of lengthy dispute

y Ericka Mellon | November 16, 2014

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Image 1 out of 2

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Operation; Manager Matt Hansen says YES Prep North Central spends about \$300 on bottled water every day the school's water goes out

Dozens of five-gallon water jugs and cases of bottled water fill a closet at the YES Prep charter school in Aldine. It's the emergency stash for when the water shuts off unexpectedly for hours, a persistent problem over the last year and a half, school officials say.

To flush the toilets, students and staff have to pour in water from buckets. Hand sanitizer follows. Teachers, on their off periods, escape to a fast-food joint to use the restroom. In the modest homes nearby, also affected by repeated service interruptions, residents put off showers and laundry and cook with their own bottled stashes.

In this unincorporated area of Harris County, there's no governmental entity that provides water, no city councilman to hold accountable for problems. Instead, water here is provided by a private company, Suburban Utility, which has been cited numerous times by state regulators for insufficient equipment.

More than 500 for-profit water companies operate across Texas. When their equipment ages or breaks, they can't levy taxes or ask voters to approve a bond issue. In the case of Suburban Utility, the firm is seeking to charge customers an extra \$60 a month to improve its infrastructure, but the state has not approved the surcharge. The Texas Commission on Environmental Quality called the fee an unjust burden on hundreds of poor families and blamed the company for "a history of mismanagement," public records show.

The disputed case over the proposed rate hike is pending before the Public Utility Commission. The Texas Attorney General's Office recently filed a lawsuit against Suburban Utility on behalf of the state environmental agency, seeking fines that may top \$1 million and mandatory fixes including installing more wells to increase capacity.

Debate with state

Attorney Les Romo, who represents Suburban Utility, said the problem is not the company's management but state regulations that make it hard for a private entity to raise its rates or secure a loan from the Texas Water Development Board.

"The state has always let it be known that they don't like private entities," Romo said. "(The company owners) want to make some improvements. You can only fix what you can afford to fix."

The debate means little to the students and staff at YES Prep's North Central campus, which had no water service or low pressure and had to boil water for possible contaminants for three straight days this month, school leaders said.

"We're at the mercy of bureaucracy and regulatory agencies," said Charles Klein, director of facilities for YES Prep.

Over the last 15 months, Klein said, the campus faced significant water problems during school hours at least 20 times. On a couple of bad days, school leaders told students to stay home.

Help from neighbor

Every time the water goes out, the school spends about \$300 on bottled water, said Matt Hansen, operations manager. To fill the five-gallon jugs for the toilet water, the school has had help from a sympathetic neighboring business, Texas Energy Laboratories, which has a different water provider. The company allows school employees to stretch a hose across a field, and they load jugs onto a dolly.

On days with no water, the school keeps open only one restroom for boys, one for girls and one single stall. That leaves about 950 middle and high school students and 85 employees vying for eight stalls.

Teachers stand outside with buckets to empty into the toilets after each student exits.

"Even when I go to Mexico, I don't have to do that," said Alondra Cortez, an eighth-grader.

Emily Gaona, a senior, said it's hard to concentrate in class during water outages.



HOUSTON

Study: EPA rules will cost Texas consumers



Trevino sentenced to 1 years of probation

Around the area and state:

Houston patient causes brief Ebola scare



DuPont plant remains closed as search for answers begins

Houston courts offer ticket amnesty

"When the water's out, I'm focused on that," she said. "I'm angry."

'It's been a headache'

The interruptions have become so frustrating, said YES spokeswoman Trisha Cornwell, that school officials have started asking, "Are we going to spend money to drill our own well?"

"We believe all students should have an opportunity for an equal education," said Michelle LaFlure, principal of YES Prep North Central. "When we have to focus on basic needs like water, it's taking the administration away from supporting teachers - who have the most direct impact on students."

The nearby Aldine Independent School District has a couple of its own wells but "it's been a headache," said spokeswoman Leticia Fehling. Some campuses get water from a municipal-utility district, which has an elected board and taxing power, while others fall within the city of Houston for service.

Gaby Escalante, who lives near YES Prep in the Castlewood neighborhood, also serviced by Suburban Utility, said the water problems have worsened in the last year, with poor pressure or outages about once a week recently.

Taking precautions

She now tells her two children, aged 10 and 13, to shower at night in case nothing drips out in the mornings before school. She drives about 15 minutes to her mom's house in the city to use the washing machine.

"Dishes, they start piling up," she said.

State lawmakers, trying to improve oversight of water utilities, passed a bill last session to move some authority from the Texas Commission on Environmental Quality to the Public Utility Commission. The switch took effect in September.

"Best I can tell, the laws in place can work. We just need stronger enforcements," said Democratic state Sen. Sylvia Garcia, a former Harris County commissioner whose district includes Aldine. "We need to make sure we can hold companies like these accountable."

State Rep. Armando Walle, who also represents the area, said the state needs to speed up the process for taking action against poor-performing companies. Records from the state environmental agency cite Suburban for violating standards dating back to at least 2003.

"We're a prosperous region," Walle said. "It's unfathomable to have people in substandard living conditions."



Ericka Mellon

Reporter, Houston Chronicle

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