

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of Suburban Water,)
Inc., d/b/a Suburban Water Company, to Cease a)
Certificate of Convenience and Authority to)
Transact the Business of a Water Public Utility in)
Section 23, Township 12 South, Range 21 East,)
Leavenworth County, Kansas.)

Docket No. 17-SUBW-266-CCS

(Here describe the territory very briefly, as county, city, section, etc.)

**AMENDED APPLICATION TO CEASE
CERTIFICATE OF CONVENIENCE AND AUTHORITY**

Suburban Water, Inc., d/b/a Suburban Water Company ("Suburban Water" or "Applicant"), hereby presents and shows to the Kansas Corporation Commission ("Commission"):

1. Applicant is a Kansas corporation and is engaged in the business of a water public utility in the State of Kansas, pursuant to certificates of convenience and necessity issued by the Commission.

2. In Docket No. 16-SUBW-438-COC, Suburban Water received a certificate of convenience and authority from the Commission in order to provide water utility service to Suburban Water's proposed water treatment facility over and across the real property described as follows, to-wit:

A tract of land in the Southwest One-Quarter of Section 23, Township 12 South, Range 21 East, in Leavenworth County, Kansas. Being more particularly described as follows: The South 220.0 feet of the West 220.00 feet of the Southwest One-Quarter of said Section 23, less any part thereof taken or used for road purposes,

AND

A tract of land in the Southwest One-Quarter of Section 23, Township 12 South, Range 21 East, in Leavenworth County, Kansas. Being more particularly described as follows: Commencing at the Southwest corner of the Southwest One-Quarter of said Section 23; thence North 01 degrees 26

minutes 20 seconds West along the West line of said Southwest One-Quarter a distance of 1455.47 feet to a point; thence North 88 degrees 33 minutes 40 seconds East a distance of 20.00 feet to a point on the East right of way line of 206th Street as now established, said point being the Point of Beginning; thence North 01 degrees 26 minutes 20 seconds West, parallel with the West line of said Southwest One-Quarter a distance of 406.02 feet to a point on the South right of way line of the Union Pacific Railroad; thence North 71 degrees 49 minutes 21 seconds East along said south right of way line, a distance of 438.58 feet; thence South 01 degrees 26 minutes 20 seconds East a distance of 532.33 feet to a point; thence South 88 degrees 33 minutes 40 seconds West a distance of 420.00 feet to the Point of Beginning, less any part thereof taken or used for road purposes.

3. The above-mentioned territory was located in an area served by Leavenworth County Rural Water District No. 10 ("RWD No. 10"). However, since the proposed water treatment facility was going to be owned by Suburban Water and Suburban Water has access to a supply for the water treatment facility to provide service to the facility, it requested and obtained a certificate to serve the facility. RWD No. 10 indicated at the time of the request made by Suburban Water it had no objection to the request.

4. In order to accommodate the landowners, Suburban Water has agreed to relocate the proposed water treatment facility, and a result of that agreement, Suburban Water is filing this application to cease its certificate of convenience and authority to serve **a portion of** the area described in paragraph 2 of this Application, as follows:

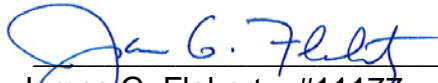
A tract of land in the Southwest One-Quarter of Section 23, Township 12 South, Range 21 East, in Leavenworth County, Kansas. Being more particularly described as follows: Commencing at the Southwest corner of the Southwest One-Quarter of said Section 23; thence North 01 degrees 26 minutes 20 seconds West along the West line of said Southwest One-Quarter a distance of 1455.47 feet to a point; thence North 88 degrees 33 minutes 40 seconds East a distance of 20.00 feet to a point on the East right of way line of 206th Street as now established, said point being the Point of Beginning; thence North 01 degrees 26 minutes 20 seconds West, parallel with the West line of said Southwest One-Quarter a distance of 406.02 feet to a point on the South right of way line of the Union Pacific Railroad; thence North 71 degrees 49 minutes 21 seconds East along said south right of way line, a distance of

438.58 feet; thence South 01 degrees 26 minutes 20 seconds East a distance of 532.33 feet to a point; thence South 88 degrees 33 minutes 40 seconds West a distance of 420.00 feet to the Point of Beginning, less any part thereof taken or used for road purposes.

5. In the original Application filed herein, Suburban Water inadvertently indicated it would cease its certificate of convenience and authority to serve the *entire* area described in paragraph 2. By this Amended Application, Suburban Water is submitting it will continue to serve the area located as follows:

A tract of land in the Southwest One-Quarter of Section 23, Township 12 South, Range 21 East, in Leavenworth County, Kansas. Being more particularly described as follows: The South 220.0 feet of the West 220.00 feet of the Southwest One-Quarter of said Section 23, less any part thereof taken or used for road purposes.

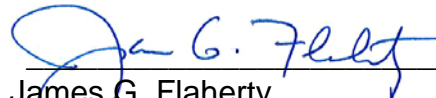
WHEREFORE, Applicant requests to cease its certificate of convenience and authority to serve the area described in paragraph 4 herein.



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Attorneys for Applicant

STATE OF KANSAS, COUNTY OF FRANKLIN, ss:

James G. Flaherty, of lawful age, being duly sworn upon oath, deposes and says that he is attorney of the within named applicant, that he has read the above and foregoing Amended Application and the statements contained therein are true.


James G. Flaherty

SUBSCRIBED AND SWORN to before me this 30th day of January, 2017.






Notary Public

Appointment/Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent via U.S. Mail, postage prepaid, hand-delivery, or electronically, this 30th day of January, 2017, addressed to: RWD No. 10, Attention: Gary Bennett - General Manager, P.O. Box 70, Linwood, Kansas 66052, Joseph P. Perry, Perry & Trent, LLC, 13100 Kansas Avenue, Suite C, Bonner Springs, Kansas 66012 and Otto A. Newton, Litigation Counsel, Kansas Corporation Commission, 1500 S. W. Arrowhead Road, Topeka, Kansas 66604.


James G. Flaherty