

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners: Pat Apple, Chairman  
Shari Feist Albrecht  
Jay Scott Emler

In the Matter of the Application of Suburban Water, Inc., d/b/a )  
Suburban Water Company, for 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 ) 17-SUBW-265-COC  
County, Kansas; and Parcel 2, a Replat of Tract 16, South )  
Basehor, a subdivision in the City of Basehor, Section 2, )  
Township 11 South, Range 22 East, Leavenworth County, )  
Kansas. )

CERTIFICATE

NOW, the above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas ("Commission"). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On December 27, 2016, Suburban Water, Inc., dba Suburban Water Company ("Applicant") filed an application seeking a Certificate of Convenience and Authority to provide water service to a portion of Leavenworth County, Kansas as required by K.S.A. 2015 Supp. 66-131. Applicant is a water public utility as defined by K.S.A. 2015 Supp. 66-104. A public hearing was neither requested nor held on this application.

2. Specifically, Applicant requests a Certificate in the territory described as follows:

LEAVENWORTH COUNTY

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 958.69 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 469.10 feet to a point; thence North 88 degrees 33 minutes 40 seconds East, a distance of 420.00 feet; thence South 01 degrees 26 minutes 20 seconds East a distance of 469.10 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 and containing 4.523 acres more or less. Known as Well 2 on Exhibit A in the application.

3. In addition, Suburban is requesting a certificate in a second territory described as follows:

Parcel 2, a Replat of Tract 16, South Basehor, a subdivision in the City of Basehor, Section 2, Township 11 South, Range 22 East, Leavenworth County, Kansas.

4. Public convenience will be promoted by allowing Applicant to provide water service in the territory described in Finding Nos. 2 and 3 above. The application, therefore, should be granted and a Certificate issued to Applicant in accordance with the provisions of K.S.A. 2015 Supp. 66-131.

IT IS, THEREFORE, BY THE COMMISSION CONSIDERED AND CERTIFIED:

A. The application filed herein is granted and Suburban Water, Inc., dba Suburban Water Company is permitted to transact the business of a water public utility in the territory described in Finding Nos. 2 and 3 herein.

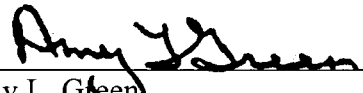
B. A party may file a petition for reconsideration of this Order within fifteen (15) days from the date of service of this Order. If service is by mail, service is complete upon mailing, and three (3) days shall be added to the above time frame. K.S.A. 66-118b; K.S.A. 2015 Supp. 77-529.

C. The Commission retains jurisdiction of the subject matter and parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO CERTIFICATED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: **FEB 21 2017**

  
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Amy L. Green  
Secretary to the Commission

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**FEB 22 2017**

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chairman Pat Apple  
Commissioner Shari Feist Albrecht  
Commissioner Jay Scott Emler

**FROM:** Gary Dawdy, Utility Engineer II  
Leo Haynos, Chief Engineer  
Jeff McClanahan, Director of Utilities

**DATE:** February 13, 2017

**SUBJECT:** 17-SUBW-265-COC

In the Matter of the Application of Suburban Water, Inc., d/b/a Suburban Water Company, for 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; and Parcel 2, a Replat of Tract 16, South Basehor, a subdivision in the City of Basehor, Section 2, Township 11 South, Range 22 East, Leavenworth County, Kansas.

17-SUBW-266-CCS

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.

**EXECUTIVE SUMMARY:**

In order to accommodate landowners, Suburban Water, Inc., dba Suburban Water Company (Suburban), has filed the above-captioned Applications to amend a previously issued Certificate authority granted in 16-SUBW-438-COC. Suburban is also requesting additional Certificate authority to serve a tract of territory located in a subdivision in Basehor, Kansas. Staff is recommending that the Application in 17-SUBW-265-COC and the Amended Application in 17-SUBW-266-CCS both be granted.

## **BACKGROUND:**

On June 30, 2016, the Commission issued Suburban a Certificate in Docket No. 16-SUBW-438-COC to provide water service to Suburban's proposed water treatment facility located in Leavenworth County. In order to accommodate the landowners, Suburban has agreed to move the site of the proposed water facility. To address this need for the relocation, on December 27, 2016, Suburban filed for a Certificate in 17-SUBW-265-COC. Also, on December 27, 2016, in 17-SUBW-266-CCS, Suburban filed to cease Certificate authority in the area previously certificated in Docket No. 16-SUBW-438-COC, which covered the original location of the proposed water treatment facility. On January 30, 2017, to correct an error in the legal description, Suburban filed an Amended Application to Cease Certificate in 17-SUBW-266-CCS.

## **ANALYSIS:**

In Docket No. 16-SUBW-438-COC, issued by the Commission on June 30, 2016, Suburban was granted a Certificate covering two water well locations, Well #1 and Well #2, transmission rights authority along its proposed 12-inch main and authority to provide a wholesale supply of water to Rural Water District No. 10 (RWD No. 10).

In response to the request of landowners, Suburban has agreed to move the location of the proposed water treatment facility. This has led to the need to revise the location prompting Suburban to file the above-captioned Applications. In these filings, Suburban is only amending a portion of the Certificate authority originally issued to Suburban in 16-SUBW-438-COC. The particular legal description being amended is the legal description pertaining to Well Area #2. Staff notes that this is a relatively slight adjustment to this legal description and that all of the remaining Certificate authority that is included in the above-referenced Docket is to remain in effect.

In addition, in 17-SUBW-265-COC, Suburban is requesting a Certificate covering a tract of territory identified as Parcel 2, a Replat of Tract 16, South Basehor, a subdivision in the City of Basehor, Section 2, Township 11 South, Range 22 East, Leavenworth County, Kansas. Suburban has reached an agreement with Consolidated Rural Water District #1, Leavenworth County (CRW #1), to release this tract of territory to Suburban. The agreement with CRW #1 and detailed map with accompanying legal description are attached to the Application marked as Exhibits B and C respectively. CRW #1 is releasing this area due to the fact that Suburban has facilities nearby and is able to use public right-of-way to provide water service. CRW #1 would be required to obtain private easements to serve this tract of territory.

Staff recommends that the Commission find that public convenience will be promoted by the granting of these Applications.

The Commission action date is June 26, 2017.

## **RECOMMENDATION:**

That the Application in 17-SUBW-265-COC should be granted and a Certificate issued and that the Amended Application in 17-SUBW-266-CCS be granted and an Order to Cease be issued in that Docket.

KANSAS CORPORATION COMMISSION  
AMY L. GREEN, SECRETARY

DOCKET NO.: 17-SUBW-265-COC

ORDER DATE: FEB 21 2017

NAME AND ADDRESS

NO. OF  
COPIES

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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

RWD No. 1  
P.O. Box 419, 15520 Crestwood Dr.,  
Basehor, Kansas 66007

Order Mailed Date

FEB 22 2017

The Docket Room hereby certifies that on \_\_\_\_\_, a true and correct copy of the attached was deposited in the United States Mail, postage prepaid, addressed to the above persons.