

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, to Cease a Certificate of )  
Convenience and Authority to Transact the Business of a ) 17-SUBW-266-CCS  
Water Public Utility in Section 23, Township 12 South, Range )  
21 East, Leavenworth County, Kansas. )

ORDER

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 to cease operating as a water public utility in a portion of Leavenworth County, Kansas. On January 30, 2017, an Amended Application was filed. 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 permission to cease operating in the territory certificated in 16-SUBW-438-COC, which covered the original location of Applicant's proposed water treatment facility 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 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 206<sup>th</sup> 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. To provide for the relocation of Suburban's proposed water treatment facility, it became necessary for Suburban to file for Amended Certificate authority in companion Docket No. 17-SUBW-265-COC to cover the new location. The request to Cease Certificate described in Finding No. 2 above covers the original proposed site certificated in previous authority granted in Docket No. 16-SUBW-438-COC. It is important to note that this territory, described in Finding No. 2 herein, is the only authority being terminated in the Certificate issued in Docket No. 16-SUBW-438-COC. All other certificated authority issued to Applicant in that docket remains in full force and effect.

4. Public convenience will be promoted by allowing Applicant to cease operating as a water public utility in the territory described in Finding No. 2 above and granting Suburban Water, Inc., dba Suburban Water Company, in Docket No. 17-SUBW-265-COC, a Certificate to serve as a water public utility at a revised location. This amended application, therefore, should be granted and an Order issued to Applicant to cease operation.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The amended application filed herein is granted and Suburban Water, Inc., dba Suburban Water Company is permitted to cease operating as a water public utility in the territory described in Finding No. 2 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

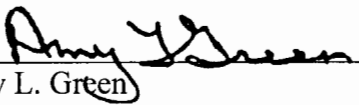
mailing, and three (3) days shall be added to the above time frame. K.S.A. 66-118b; K.S.A. 2015 Supp. 77-529.

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 ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: **FEB 21 2017**

  
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Amy L. Green  
Secretary to the Commission

OAN

**Order Mailed Date**

**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-266-CCS

ORDER DATE: **FEB 21 2017**

NAME AND ADDRESS

NO. OF  
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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.