

By: Zaffirini
(King of Uvalde)

S.B. No. 893

Substitute the following for S.B. No. 893:

By: King of Uvalde

C.S.S.B. No. 893

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the correction of a certificate of public convenience
3 and necessity for providing water or sewer service.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 13.244, Water Code, is amended by adding
6 Subsections (e) and (f) to read as follows:

7 (e) The executive director of the utility commission, at the
8 discretion of the executive director of the utility commission or
9 on the request of the certificate holder, may make a correction to a
10 certificate of public convenience and necessity, without observing
11 formal amendment procedures, by reissuing the certificate or
12 issuing an endorsement to the certificate. The executive director
13 of the utility commission shall notify the certificate holder that
14 the correction has been made and ensure that the reissued
15 certificate or endorsement is recorded in the commission's records.
16 The executive director of the utility commission may make a
17 correction under this subsection only:

18 (1) to correct a clerical or typographical error;
19 (2) to change the name of an incorporated certificate
20 holder on a certificate if:

21 (A) an amendment to the certificate holder's
22 articles of incorporation or certificate of formation, as
23 applicable, is filed with the secretary of state that only changes
24 the name of the certificate holder; and

1 (B) the certificate holder provides verification
2 from the secretary of state to the utility commission that the
3 amendment only changed the name of the certificate holder;

4 (3) to correct a mapping error in a certificate to
5 reflect the metes and bounds of the certificated area; or

6 (4) to correct another similar nonsubstantive error or
7 matter if authorized by the utility commission by rule.

8 (f) The executive director of the utility commission may not
9 make a correction under Subsection (e)(3) unless the certificate
10 holder:

11 (1) submits to the executive director of the utility
12 commission a written agreement between the certificate holder and
13 any other retail water or sewer service provider whose service area
14 is directly affected by the correction; and

15 (2) provides notice of the correction to any water or
16 sewer service customers whose retail service is directly affected
17 by the correction.

18 SECTION 2. Section 13.246(j), Water Code, is amended to
19 read as follows:

20 (j) This section does not apply to an application under
21 Section 13.258 or a correction under Section 13.244(e).

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2023.