

By: Kuempel

H.B. No. 2658

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the release of certain property from a certificate of
3 public convenience and necessity for water service and sewer
4 service.

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

6 SECTION 1. Section 13.254(a-1), Water Code, is amended to
7 read as follows:

8 (a-1) As an alternative to decertification under Subsection
9 (a), the owner of a tract of land that is at least three [~~50~~] acres
10 and that is not in a platted subdivision actually receiving water or
11 sewer service may petition the commission under this subsection for
12 expedited release of the area from a certificate of public
13 convenience and necessity so that the area may receive service from
14 another retail public utility. The petitioner shall deliver, via
15 certified mail, a copy of the petition to the certificate holder,
16 who may submit information to the commission to controvert
17 information submitted by the petitioner. The petitioner must
18 demonstrate that:

19 (1) a written request for service, other than a
20 request for standard residential or commercial service, has been
21 submitted to the certificate holder, identifying:

22 (A) the area for which service is sought;
23 (B) the timeframe within which service is needed
24 for current and projected service demands in the area;

1 (C) the level and manner of service needed,
2 including the necessary water pressure for fire flow, for current
3 and projected service demands in the area; and

4 (D) any additional information requested by the
5 certificate holder that is reasonably related to determination of
6 the capacity or cost for providing the service;

7 (2) the certificate holder has been allowed at least
8 60 [~~90~~] calendar days to review and respond to the written request
9 and the information it contains;

10 (3) the certificate holder:

11 (A) has refused to provide the service;

12 (B) is not capable of providing, or refuses to
13 provide, the service on a continuous and adequate basis within the
14 timeframe, at the level, or in the manner reasonably needed or
15 requested by current and projected service demands in the area; or

16 (C) conditions the provision of service on the
17 payment of costs not properly allocable directly to the
18 petitioner's service request, as determined by the commission;
19 [~~and~~]

20 (4) the certificate holder is not capable of
21 providing, or refuses to provide, water pressure for fire
22 suppression at a flow of at least 250 gallons per minute as
23 determined by the last water pressure test; and

24 (5) the alternate retail public utility from which the
25 petitioner will be requesting service is capable of providing
26 continuous and adequate service within the timeframe, at the level,
27 and in the manner reasonably needed or requested by current and

1 projected service demands in the area.

2 SECTION 2. This Act takes effect September 1, 2009.