

By: Bohac

H.B. No. 2962

A BILL TO BE ENTITLED

AN ACT

relating to the revocation or amendment of a certificate of public convenience and necessity for water or sewer service.

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

SECTION 1. Chapter 13, Water Code, is amended by adding Section 13.2545 as follows:

SECTION 13.2545. REVOCATION OR AMENDMENT OF CERTIFICATE UPON CUSTOMER PETITION. (a) In this section, "customer" means a current ratepayer or any person who has requested water or sewer service from a retail public utility.

(b) Within 60 days of receipt of a petition signed by at least 60% of the customers of a geographic area requesting to be removed from a certificated area, the commission shall revoke or amend the certificate of public convenience and necessity to remove such petitioned area from the certified area.

(c) A petition described by Subsection (a) must include a customer signature and legible description of the customer's name and service address.

(d) A certificate of convenience and necessity shall be revoked or amended under this section without compensation to the certificate holder. Nothing in this section shall be construed to divest any real or personal property interests of a retail public utility within an area decertified under this section. A retail public utility whose certificate has been revoked or amended under

1 this section may continue to provide service to the decertified
2 area upon request by any customer within such decertified area.

3 (e) Chapter 2001, Government Code, does not apply to a
4 petition filed under this section. The commission's order to
5 revoke or amend a certificate of convenience and necessity upon a
6 petition described in this section is a final decision, may not be
7 appealed, and is not subject to judicial review.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2011.