

By: Gooden

H.B. No. 31

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the right of a county to intervene in an original rate  
3 proceeding.

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

5 SECTION 1. Section 13.084, Water Code, is amended to read as  
6 follows:

7 Sec. 13.084. AUTHORITY OF GOVERNING BODY; COST  
8 REIMBURSEMENT. The governing body of any municipality, ~~or~~ the  
9 commissioners court of an affected county, or the commissioners  
10 court of a county authorized to intervene under Section 13.1873 has  
11 ~~[shall have]~~ the right to select and engage rate consultants,  
12 accountants, auditors, attorneys, engineers, or any combination of  
13 these experts to conduct investigations, present evidence, advise  
14 and represent the governing body, and assist with litigation on  
15 water and sewer utility ratemaking proceedings. The water and  
16 sewer utility engaged in those proceedings shall be required to  
17 reimburse the governing body or the commissioners court for the  
18 reasonable costs of those services and shall be allowed to recover  
19 those expenses through its rates with interest during the period of  
20 recovery.

21 SECTION 2. Section 13.1871(i), Water Code, as effective  
22 September 1, 2013, is amended to read as follows:

23 (i) If, before the 91st day after the effective date of the  
24 rate change, the regulatory authority receives a complaint from a

1 county authorized to intervene under Section 13.1873, from any  
2 affected municipality, or from the lesser of 1,000 or 10 percent of  
3 the ratepayers of the utility over whose rates the regulatory  
4 authority has original jurisdiction, the regulatory authority  
5 shall set the matter for hearing.

6 SECTION 3. Subchapter F, Chapter 13, Water Code, is amended  
7 by adding Section 13.1873 to read as follows:

8 Sec. 13.1873. RIGHT OF COUNTY TO INTERVENE. A county may  
9 intervene as a party in a rate proceeding under Section 13.1871 if  
10 the utility in the proceeding:

11 (1) seeks to increase the rates of ratepayers who  
12 reside in the county by more than 25 percent; or

13 (2) serves more than 3,000 ratepayers who reside in  
14 the county.

15 SECTION 4. The change in law made by this Act applies only  
16 to an original rate proceeding in which the initial hearing is held  
17 on or after the effective date of this Act. A proceeding in which  
18 the initial hearing is held before that date is governed by the law  
19 in effect immediately before the effective date of this Act, and  
20 that law is continued in effect for that purpose.

21 SECTION 5. This Act takes effect on the 91st day after the  
22 last day of the legislative session.