

By: Gooden, Walle, Pitts, Flynn, Phillips,
et al.

H.B. No. 1456

A BILL TO BE ENTITLED

AN ACT

relating to the right of a county to intervene in an original rate proceeding.

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

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

Sec. 13.084. AUTHORITY OF GOVERNING BODY; COST REIMBURSEMENT. The governing body of any municipality, ~~or~~ the commissioners court of an affected county, or the commissioners court of a county authorized to intervene under Section 13.1871 has ~~shall have~~ the right to select and engage rate consultants, accountants, auditors, attorneys, engineers, or any combination of these experts to conduct investigations, present evidence, advise and represent the governing body, and assist with litigation on water and sewer utility ratemaking proceedings. The water and sewer utility engaged in those proceedings shall be required to reimburse the governing body or the commissioners court for the reasonable costs of those services and shall be allowed to recover those expenses through its rates with interest during the period of recovery.

SECTION 2. Section 13.187(e), Water Code, is amended to read as follows:

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

1 county authorized to intervene under Section 13.1871, any affected
2 municipality, or from the lesser of 1,000 or 10 percent of the
3 ratepayers of the utility over whose rates the regulatory authority
4 has original jurisdiction, the regulatory authority shall set the
5 matter for hearing.

6 SECTION 3. Subchapter F, Chapter 13, Water Code, is amended
7 by adding Section 13.1871 to read as follows:

8 Sec. 13.1871. RIGHT OF COUNTY TO INTERVENE. A county may
9 intervene as a party in a rate proceeding under this subchapter 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 September 1, 2013. A proceeding in which the initial
18 hearing is held before September 1, 2013, is governed by the law in
19 effect immediately before the effective date of this Act, and that
20 law is continued in effect for that purpose.

21 SECTION 5. This Act takes effect September 1, 2013.