

By: Bohac

H.B. No. 3468

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 by petition.

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

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

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

(b) The commission shall revoke or amend a certificate of convenience and necessity to remove a geographic area from the area covered by the certificate not later than 60 days after the date the commission receives a petition that requests that a geographic area specified by the petition be removed from the certificated area and that is signed by at least 60 percent of the customers whose service addresses are located in that geographic area.

(c) A petition described by Subsection (b) must include for each customer:

(1) the customer's signature; and

(2) a legible description of the customer's name and service address.

(d) The commission shall revoke or amend a certificate of convenience and necessity under this section without compensation

1 to the certificate holder. Nothing in this section may be construed
2 to divest any real or personal property interests of a retail public
3 utility in an area decertified under this section. A retail public
4 utility whose certificate has been revoked or amended under this
5 section may continue to provide service to the decertified area on
6 the request by any customer in the area.

7 (e) Chapter 2001, Government Code, does not apply to a
8 petition filed under this section. The commission's order to
9 revoke or amend a certificate of convenience and necessity by
10 petition under this section is final, may not be appealed, and is
11 not subject to judicial review.

12 SECTION 2. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2013.