

By: Hall, Perry

S.B. No. 1719

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to appellate jurisdiction of the Public Utility Commission  
3 regarding certain water or sewer utility fees.

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

5 SECTION 1. Section 13.043, Water Code, is amended by  
6 amending Subsection (g) and adding Subsection (g-1) to read as  
7 follows:

8 (g) An applicant for service from an affected county or a  
9 water supply or sewer service corporation may appeal to the utility  
10 commission a decision of the county or water supply or sewer service  
11 corporation relating to any fee or ~~[affecting the]~~ amount to be paid  
12 to obtain service other than the regular membership or tap fees. In  
13 addition to the factors specified under Subsection (j), in an  
14 appeal brought under this subsection the utility commission shall  
15 determine whether the amount paid by the applicant is consistent  
16 with the tariff of the water supply or sewer service corporation and  
17 is reasonably related to the cost of installing on-site and  
18 off-site facilities to provide service to that applicant. If the  
19 utility commission finds the amount charged to be clearly  
20 unreasonable, it shall establish the fee to be paid for that  
21 applicant. An appeal under this subsection must be initiated  
22 within 90 days after the date written notice is provided to the  
23 applicant or member of the decision of an affected county or water  
24 supply or sewer service corporation relating to the applicant's

1 initial request for that service. A determination made by the  
2 utility commission on an appeal under this subsection is binding on  
3 all similarly situated applicants for service, and the utility  
4 commission may not consider other appeals on the same issue until  
5 the applicable provisions of the tariff of the water supply or sewer  
6 service corporation are amended.

7 (g-1) An applicant for service from a water supply or sewer  
8 service corporation may appeal to the utility commission for a  
9 determination of whether the regular membership fee or tap fee  
10 required to be paid to obtain service is consistent with the tariff  
11 of the water supply or sewer service corporation. If the utility  
12 commission finds that the fee is inconsistent with the tariff of the  
13 water supply or sewer service corporation, the utility commission  
14 shall issue an order requiring the water supply or sewer service  
15 corporation to charge the applicant an amount consistent with the  
16 tariff. An appeal under this subsection must be initiated not later  
17 than the 30th day after the date the water supply or sewer service  
18 corporation provides the applicant with the cost of obtaining  
19 service.

20 SECTION 2. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2021.