

By: Hall

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 or tap fee required
10 to be paid to obtain service is consistent with the tariff of the
11 water supply or sewer service corporation. If the utility
12 commission finds the regular membership or tap fee is not
13 consistent, it shall issue an order requiring the water supply or
14 sewer service corporation to charge the applicant an amount
15 consistent with the tariff. An appeal under this subsection must be
16 initiated within 30 days after the date the water supply or sewer
17 service corporation provides the applicant with the cost for
18 service.

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