

By: Zaffirini

S.B. No. 893

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the correction of a certificate of public convenience  
3 and necessity for providing water or sewer utility service.

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

5 SECTION 1. Section 13.244, Water Code, is amended by adding  
6 Subsections (e) and (f) to read as follows:

7 (e) The executive director of the utility commission, at the  
8 discretion of the executive director of the utility commission or  
9 on the request of the certificate holder, may make a correction to a  
10 certificate of public convenience and necessity, without observing  
11 formal amendment procedures, by reissuing the certificate or  
12 issuing an endorsement to the certificate. The executive director  
13 of the utility commission shall notify the certificate holder that  
14 the correction has been made and ensure that the reissued  
15 certificate or endorsement is recorded in the commission's records.  
16 The executive director of the utility commission may make a  
17 correction under this subsection only:

18 (1) to correct a clerical or typographical error;  
19 (2) to change the name of an incorporated certificate  
20 holder on a certificate if:

21 (A) an amendment to the certificate holder's  
22 articles of incorporation or certificate of formation, as  
23 applicable, is filed with the secretary of state that only changes  
24 the name of the certificate holder; and

1                   (B) the certificate holder provides verification  
2 from the secretary of state to the commission that the amendment  
3 only changed the name of the certificate holder;

4                   (3) to correct a mapping error in a certificate to  
5 reflect the metes and bounds of the certificated area; or

6                   (4) to correct another similar nonsubstantive error or  
7 matter if authorized by the commission by rule.

8           (f) The executive director of the utility commission may not  
9 make a correction under Subsection (e)(3) unless the certificate  
10 holder:

11                   (1) submits to the executive director of the utility  
12 commission a written agreement between all affected persons about  
13 the correction; and

14                   (2) provides notice of the correction to any customers  
15 of the certificate holder affected by the correction.

16           SECTION 2. Section 13.246(j), Water Code, is amended to  
17 read as follows:

18           (j) This section does not apply to an application under  
19 Section 13.258 or a correction under Section 13.244(e).

20           SECTION 3. 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, 2023.