

BILL ANALYSIS

Senate Research Center
81R9585 TRH-D

S.B. 2098
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Natural Resources
4/21/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The owner of a tract of land that is at least 50 acres in size and not in a platted subdivision actually receiving water or sewer service may petition for expedited release of the area from a certificate of public convenience and necessity so that the area may receive service from another retail public utility. This release process should be expanded to encompass different types of landowners, especially if a utility district refuses to provide certain services, such as water pressure sufficient for fire suppression, which affects the construction of worthy projects.

As proposed, S.B. 2098 authorizes the owner of a tract of land that is at least three acres and that is not in a platted subdivision actually receiving water or sewer service to petition the Texas Commission on Environmental Quality for expedited release of the area from a certificate of public convenience and necessity so that the area is authorized to receive service from another retail public utility. This bill sets forth the information required to be provided by the petitioner.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 13.254(a-1), Water Code, as follows:

(a-1) Authorizes the owner of a tract of land that is at least three, rather than 50, acres and that is not in a platted subdivision actually receiving water or sewer service, as an alternative to decertification under Subsection (a) (relating to authority of the Texas Commission on Environmental Quality (TCEQ) to revoke or amend any certificate of public convenience and necessity), to petition TCEQ under this subsection for expedited release of the area from a certificate of public convenience and necessity so that the area is authorized to receive service from another retail public utility. Requires the petitioner to demonstrate certain information, including:

- (1) a written request for service, other than a request for standard residential or commercial service, has been submitted to the certificate holder, identifying the level and manner of service needed, including the necessary water pressure for fire flow, for current and projected service demands in the area;
- (2) the certificate holder has been allowed at least 60, rather than 90, calendar days to review and respond to the written request and the information it contains;
- (3) the certificate holder is not capable of providing, or refuses to provide, the service on a continuous and adequate basis within the timeframe, at the level, or in the manner reasonably needed or requested by current and projected service demands in the area;
- (4) the certificate holder is not capable of providing, or refuses to provide, water pressure for fire suppression at a flow of at least 250 gallons per minute as determined by the last water pressure test; and
- (5) Creates this subdivision from existing text. Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 2009.