

BILL ANALYSIS

Senate Research Center

S.B. 2306
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Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Water Code, Section 13.183, authorizes the Texas Commission on Environmental Quality (TCEQ) to fix water rates for water and sewer utilities that will "permit the utility a reasonable opportunity to earn a reasonable return on its invested capital used and useful in rendering service to the public over and above its reasonable and necessary operating expenses; and preserve the financial integrity of the utility."

TCEQ interprets the phrase "used and useful" to mean that any time invested capital is taken out of use, it is no longer "useful" and therefore prohibits water and sewer utilities from recovering the remaining depreciation as a cost of service. Water and sewer utilities constantly add and retire infrastructure for many reasons, such as compliance, system maintenance, growth, and to meet system demands. Despite its invested capital being taken out of use, often times it has continued useful life for depreciation purposes. As a result, water and sewer utilities are prohibited from recovering any remaining depreciation on these assets as part of its cost of service.

Currently, 49 other states allow gas, electric, and water utilities to recover as part of their cost of service the remaining depreciation for assets previously used, but no longer in use. In Texas, gas and electric utilities are authorized to recover the remaining depreciation for these assets, but water and sewer utilities are prohibited from doing so.

As proposed, S.B. 2306 authorizes water and sewer utilities to recover as a cost of service any remaining depreciation on retired assets.

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 13.131, Water Code, by amending Subsection (c), to require the Texas Commission on Environmental Quality (TCEQ) to require that the book cost less net salvage of depreciable utility plant retired be charged in its entirety to the accumulated depreciation account, consistent with account treatment for other TCEQ and Texas Public Utility Commission regulated electric and gas utilities.

SECTION 2. Effective date: upon passage or September 1, 2009.