

Subchapter P. EMERGENCY ORDERS FOR WATER AND SEWER UTILITIES.

§22.294. Emergency Orders and Emergency Rates.

- (a) The commission may issue an emergency order, with or without a hearing, to
 - (1) appoint a person under §24.142 of this title (relating to Operation of Utility that Discontinues Operation or is Referred for Appointment of a Receiver), §24.143 of this title (relating to Operation of a Utility by a Temporary Manager), and Texas Water Code §5.507 and §13.4132 to temporarily manage and operate a utility that has discontinued or abandoned operations or that is being referred to the attorney general for the appointment of a receiver under Texas Water Code §13.412.
 - (2) to compel a water or sewer provider that has obtained or is required to obtain a certificate of public convenience and necessity to provide continuous and adequate water service, sewer service, or both, if the discontinuance of the service is imminent or has occurred because of the service provider's actions or inactions; or
 - (3) to compel a retail public utility to provide an emergency connection with a neighboring retail public utility for the provision of temporary water or sewer service, or both, for not more than 90 days if discontinuance of service or serious impairment in service is imminent or has occurred.
- (b) The commission may establish reasonable compensation for temporary service ordered under subsection (a)(3) of this section and may allow the retail public utility receiving the service to make a temporary adjustment to its rate structure to ensure proper payment.
- (c) The commission may issue an emergency order, with or without a hearing, to authorize an emergency rate increase if necessary to ensure the provision of continuous and adequate services to the utility's customers pursuant to Texas Water Code §5.508 and §13.4133:
 - (1) for a utility for which a person has been appointed under Texas Water Code §5.507 or §13.4132 to temporarily manage and operate the utility that has discontinued or abandoned operations; or
 - (2) for a utility for which a receiver has been appointed under Texas Water Code §13.412.
- (d) The commission may issue an emergency order under Texas Water Code §13.253(b) after providing a retail public utility notice and an opportunity to be heard at an open meeting of the commission:
 - (1) to make specified improvements and repairs to the water or sewer system;
 - (2) to require the utility to obligate additional money to replace the financial assurance used for the improvements;
 - (3) if the commission has reason to believe that improvements and repairs to the water or sewer system are necessary to provide continuous and adequate service in any portion of the utility's service area; and
 - (4) if the utility has provided financial assurance under Texas Health and Safety Code §341.0355 or Texas Water Code Chapter 5.
- (e) If an emergency order is issued without a hearing, the order shall fix a time for a hearing that is as soon after issuance of the emergency order as practicable and a place for a hearing to be held before the commission or the State Office of Administrative Hearings (SOAH).
- (f) An emergency order issued under this subchapter does not vest any rights and expires in accordance with its terms or this subchapter.
- (g) Notice of the commission's action under this subchapter is adequate if the notice is mailed or hand-delivered to the last known address of the utility's headquarters.