

**Subchapter D. NOTICE.**

**§22.51. Notice for Public Utility Regulatory Act, Chapter 36, Subchapters C - E; Chapter 51, §51.009; and Chapter 53, Subchapters C - E, Proceedings.**

- (a) **Notice in a proceeding seeking a rate increase.** In proceedings under PURA, Chapter 36, Subchapters C and E; Chapter 51, §51.009; or Chapter 53, Subchapters C and E involving the commission's original jurisdiction over a utility's proposed increase in rates, the applicant must give notice in the following manner:
- (1) **Publication of notice.** The applicant must publish notice of its statement of intent to change rates in a conspicuous form and place at least once a week for four consecutive weeks prior to the effective date of the proposed rate change, in a newspaper having general circulation in each county containing territory affected by the proposed rate change. The published notice must contain the following information:
    - (A) the effect the proposed change is expected to have on the revenues of the company for major rate proceedings, the change must be expressed as an annual dollar increase over adjusted test year revenues and as a percent increase over adjusted test year revenues;
    - (B) the effective date of the proposed rate change;
    - (C) the classes and numbers of utility customers affected by the rate change;
    - (D) a description of the service for which a change is requested;
    - (E) whenever possible, the established intervention deadline; and
    - (F) the following language: "Persons who wish to intervene in or comment upon these proceedings should notify the Public Utility Commission of Texas (commission) as soon as possible, as an intervention deadline will be imposed. A request to intervene or for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals may contact the commission through Relay Texas at 1-800-735-2989. The deadline for intervention in the proceeding is 45 days after the date the application was filed with the commission."
  - (2) **Notice by mail.** The applicant must mail notice of its statement of intent to change rates to all of the applicant's affected customers. This notice may be mailed separately or may be mailed with customer billings. At the top of this notice, the following language must be printed in prominent lettering: "Notice of Rate Change Request." The notice must meet the requirements of paragraph (1) of this subsection. Whenever possible, the established intervention deadline must be included in the notice.
  - (3) **Notice to municipalities.** The applicant must mail or deliver a copy of the statement of intent to the appropriate officer of each affected municipality at least 35 days prior to the effective date of the proposed rate change.
- (b) **Notice in PURA, Chapter 36, Subchapters C and E; Chapter 51, §51.009; or Chapter 53, Subchapters C and E proceeding seeking a rate decrease.** In proceedings initiated pursuant to PURA, Chapter 36, Subchapters C and E; Chapter 51, §51.009; or Chapter 53, Subchapters C and E in which a rate reduction that does not involve a rate increase for any customer is sought, the applicant must give notice in the following manner:
- (1) **Publication not required.** The applicant may not be required to publish notice of its statement of intent to change rates in any newspaper when the utility is seeking to reduce rates for all affected customers.
  - (2) **Notice by mail to affected customers.** The applicant must mail notice of the proposed rate decrease to all of the applicant's affected customers. This notice may be mailed separately or may be mailed with customer billings. At the top of this notice, the following language must be printed in prominent lettering: "Notice of Rate Decrease Request." The notice must contain the following information:
    - (A) the effect the proposed change is expected to have on the revenues of the applicant, expressed as an annual dollar decrease from adjusted test year revenues and as a percent decrease from adjusted test year revenues;

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- (B) the effective date of the proposed rate decrease;
  - (C) the classes and numbers of utility customers affected by the rate decrease;
  - (D) a description of the service for which a rate change is requested;
  - (E) whenever possible, the established intervention deadline; and
  - (F) the following language: "Persons who wish to intervene in or comment upon these proceedings should notify the Public Utility Commission of Texas (commission) as soon as possible, as an intervention deadline will be imposed. A request to intervene or for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals may contact the commission through Relay Texas at 1-800-735-2989. The deadline for intervention in the proceeding is 45 days after the date the application was filed with the commission."
- (3) **Notice to municipalities.** The applicant must mail or deliver a copy of the statement of intent to the appropriate officer of each affected municipality at least 35 days prior to the effective date of the proposed rate decrease.
- (c) **Notice in PURA, Chapter 36, Subchapter D; or Chapter 53, Subchapter D rate investigation.** In an investigation into a utility's rates pursuant to PURA, Chapter 36, Subchapter D; or Chapter 53, Subchapter D, the presiding officer may require the utility under investigation to provide reasonable notice to its customers and affected municipalities. Reasonable notice may include notice of the type set forth in subsection (a) of this section.
- (d) **Affidavits regarding notice.** The applicant must submit affidavits attesting to the provision of the notice required or ordered pursuant to this section within a reasonable time and by such date as may be established by the presiding officer.
- (1) **Publisher's affidavits.** Proof of publication of notice must be made in the form of a publisher's affidavit which must specify the newspaper(s) in which the notice was published; the county or counties in which the newspaper(s) is or are of general circulation; and the dates upon which the notice was published.
  - (2) **Affidavit for notice to affected customers.** If notice to affected customers has been provided, an affidavit attesting to the provision of notice to affected customers must specify the dates of the provision of such notice; the means by which such notice was provided; and the affected customer classes to which such notice was provided.
  - (3) **Affidavit for notice to municipality.** An affidavit attesting to the provision of notice to municipalities must specify the dates of the provision of notice and the identity of the individual cities to which such notice was provided.