

PROJECT NO. 57819

CCN MAPPING RESOURCES	§	PUBLIC UTILITY COMMISSION
WEBPAGE ATTESTATION	§	
REQUIREMENT	§	OF TEXAS

PROPOSAL FOR PUBLICATION OF AMENDMENTS TO §24.245 and §24.257

The Public Utility Commission of Texas (commission) proposes the amendments to §24.257 relating to mapping requirements for certificate of convenience and necessity applications and §24.245 relating to revocation of a certificate of convenience and necessity or amendment of a certificate of convenience and necessity by decertification, expedited release, or streamlined expedited release. The amended rules will require an applicant to attest that it has reviewed the commission’s online mapping resources—including all video files—as a necessary component of an application submission.

The commission also invites comments on the following questions:

1. Should the commission adopt remedial requirements for an applicant that fails to present adequate mapping information despite the submission of an attestation?
2. If so, what measures are appropriate? For example, should the rule require an applicant to attest to re-review of PUC mapping resources upon the commission’s determination that mapping information in a previous application was deficient?

Growth Impact Statement

The agency provides the following governmental growth impact statement for the proposed rules, as required by Texas Government Code §2001.0221. The agency has determined that for each

year of the first five years that the proposed rules are in effect, the following statements will apply:

- (1) the proposed rules will not create a government program and will not eliminate a government program;
- (2) implementation of the proposed rules will not require the creation of new employee positions and will not require the elimination of existing employee positions;
- (3) implementation of the proposed rules will not require an increase and will not require a decrease in future legislative appropriations to the agency;
- (4) the proposed rules will not require an increase and will not require a decrease in fees paid to the agency;
- (5) the proposed rules will not create a new regulation;
- (6) the proposed rules will not expand, limit, or repeal an existing regulation;
- (7) the proposed rules will not change the number of individuals subject to the rule's applicability; and
- (8) the proposed rules will not affect this state's economy.

Fiscal Impact on Small and Micro-Businesses and Rural Communities

There is no adverse economic effect anticipated for small businesses, micro-businesses, or rural communities as a result of implementing the proposed rules. Accordingly, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002(c).

Takings Impact Analysis

The commission has determined that the proposed rules will not be a taking of private property as defined in chapter 2007 of the Texas Government Code.

Fiscal Impact on State and Local Government

Tracy Montes, Director, Mapping, has determined that for the first five-year period the proposed rules are in effect, there will be no fiscal implications for the state or for units of local government under Texas Government Code §2001.024(a)(4) as a result of enforcing or administering the sections.

Public Benefits

Ms. Montes has determined that for each year of the first five years the proposed sections are in effect the public benefit anticipated as a result of enforcing the sections will be enhanced efficiency in processing applications that involve territorial boundaries associated with water and wastewater service. There will be no probable economic cost to persons required to comply with the rules under Texas Government Code §2001.024(a)(5).

Local Employment Impact Statement

For each year of the first five years the proposed sections are in effect, there should be no effect on a local economy; therefore, no local employment impact statement is required under Texas Government Code §2001.022.

Costs to Regulated Persons

Texas Government Code §2001.0045(b) does not apply to this rulemaking because the commission is expressly excluded under subsection §2001.0045(c)(7).

Public Hearing

The commission staff will conduct a public hearing on this rulemaking if requested in accordance with Texas Government Code §2001.029. The request for a public hearing must be received by May 15, 2025. If a request for public hearing is received, commission staff will file in this project a notice of hearing.

Public Comments

Interested persons may file comments electronically through the interchange on the commission's website. Comments must be filed by May 15, 2025. Comments should be organized in a manner consistent with the organization of the proposed rules. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed rules. The commission will consider the costs and benefits in deciding whether to modify the proposed rules on adoption. All comments should refer to Project Number 57819.

Each set of comments should include a standalone executive summary as the last page of the filing. This executive summary must be clearly labeled with the submitting entity's name and should include a bulleted list covering each substantive recommendation made in the comments.

Statutory Authority

Texas Water Code §13.041(a), which provides the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by the Texas Water Code that is necessary and convenient to the exercise of that power and jurisdiction; Texas Water Code §13.041(b), which provides the commission with the authority to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction §13.242(c) which governs applications for exempt utility registration; §13.244 which governs the procedure for a utility to obtain and amend CCN application; §13.245, which governs procedures for service extensions within the boundaries or extraterritorial jurisdiction of certain municipalities by a retail public utility; §13.250 which governs a utility's application to discontinue service & cancel CCN; §13.255 which governs single certification for incorporated or annexed areas; §13.301 which governs sale, transfer, merger (STM) application; §13.2451 which governs procedures for extension of a municipalities extraterritorial jurisdiction into the service area of a retail public utility; §13.254 which authorizes the commission, after notice and hearing, to revoke or amend a CCN upon written consent of the certificate holder and governs procedures for the expedited release of an area from a CCN's service territory; §13.2541 which governs procedures for the streamlined expedited release of an area from a CCN's service territory as an alternative to decertification or expedited release under §13.254.

Cross Reference to Statute: Texas Water Code §§13.041(a) and (b); 13.242(c); 13.244; 13.250; 13.255;13.301; 13.245; 13.2451, 13.254, 13.2541.

§24.257. Mapping Requirements for Certificate of Convenience and Necessity Applications.

- (a) Applications to obtain or amend a certificate of convenience and necessity (CCN) must include the following mapping information:
- (1) - (2) (No change.)
 - (3) one of the following for the requested area:
 - (A) - (B) (No change.)
 - (C) GIS data in a shapefile (SHP) format georeferenced in either NAD 83 Texas State Plane Coordinate System (US Feet) or in NAD 83 Texas Statewide Mapping System (Meters). The GIS data must include a single, continuous polygon record; and
 - (4) if applicable, maps identifying any facilities for production, transmission, or distribution of services, customers, or area currently being served outside the certificated service area. Facilities must be identified on subdivision plats, engineering planning maps, or other large scale maps. Color coding may be used to distinguish the types of facilities identified. The location of any such facility must be described with such exactness that the facility can be located “on the ground” from the map and may be identified in reference to verifiable man-made and natural landmarks where necessary to show its actual location.
 - (5) For any application or request for relief that requires the applicant to submit mapping information in accordance with paragraphs (1)-(3) of this subsection, the applicant must also provide a written and signed attestation confirming that the representative responsible for creating the mapping information has reviewed the

commission's online mapping resources on the commission's CCN Mapping Resources webpage, including all video files. The attestation must be in the following format:

"I, [name], serve as [employment title] of [applicant name]. I am responsible for creating mapping information required for this application. Before submitting mapping information in conjunction with the application, I reviewed the online mapping resources on the Public Utility Commission's CCN Mapping Resources webpage, including all video files."

- (b) All maps must be filed under §22.71 of this title (relating to Filing of Pleadings, Documents and Other Materials) and §22.72 of this title (relating to Formal Requisites of Pleadings and Documents to be Filed with the Commission).

§24.245. Revocation of a Certificate of Convenience and Necessity or Amendment of a Certificate of Convenience and Necessity by Decertification, Expedited Release, or Streamlined Expedited Release.

(a) – (j) (No change.)

(k) Mapping information.

(1) For proceedings under subsections (f) or (h) of this section, the following mapping information must be filed with the petition:

(A) - (B) (No change.)

(C) one of the following for the tract of land:

(i) - (ii) (No change.)

(iii) GIS data in a shapefile (SHP) format georeferenced in either NAD 83 Texas State Plane Coordinate System (US feet) or in NAD 83 Texas Statewide Mapping System (meters). The GIS data must include a single, continuous polygon record.

(D) a written and signed attestation confirming that the representative responsible for creating the mapping information has reviewed the commission's online mapping resources on the commission's CCN Mapping Resources webpage, including all video files. The attestation must be in the following format:

“I, [name], serve as [employment title] of [applicant name]. I am responsible for creating mapping information required for this application. Before submitting mapping information in conjunction with the application,

I reviewed the mapping resources on the Public Utility Commission’s CCN Mapping Resources webpage, including all video files.”

(2) - (3) (No change.)

(1) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency’s legal authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 3rd DAY OF APRIL 2025 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA GONZALES**