

UTILI-FACTS

Project 53938 Senate Bill 3, 87th Legislature, Regular Session Compliance Guidance - Texas Water Code (TWC) §13.1396

By **November 1, 2021**, entities that meet the definition of “affected utilities” under TWC §13.1394 must file specific information with the Public Utility Commission of Texas (PUCT) in Project 53938. This information must also be filed with each transmission and distribution service provider, each retail electric provider, and the office of emergency management of each county where the utility has water or sewer facilities that qualify for critical load status.

Q: Am I an “affected utility”?

A: TWC §13.1394 defines an “affected utility” as a retail public utility, exempt utility, or provider or conveyor of potable or raw water service that:

- Furnishes water service to more than one customer; and
- Is not an affected utility under TWC §13.1395 (Fort Bend or Harris Counties).

Q: Who is required to file this information with the PUCT?

A: All entities that meet the definition of an “affected utility” as defined in TWC §13.1394 are required to file this information with the PUCT. Entities located in Fort Bend and Harris Counties are exempt from this requirement as they do not meet the definition of “affected utility” in TWC §13.1394.

Q: What information must be filed to meet this requirement?

A: You must file a letter identifying the name of your water or sewer utility. Please also include the names of any affiliates and assumed names, if any. In addition, include a list of all the public water systems and sewer systems owned by your utility for which you are filing the information.

- Identify the location and provide a written, general description of all water and sewer facilities that qualify for critical load status (may include maps if this would help you identify the location of your facilities); and
- Emergency contact information for the affected utility, including:
 - The name of the person who will serve as a point of contact and the person’s telephone number;

- The person who will serve as an alternative point of contact and the person’s telephone number; and
- The affected utility’s mailing address.

Q: Where must this information be filed?

A: This information must be filed with each of the following:

- 1) the PUCT,
- 2) each electric utility that provides transmission and distribution services to you. Your electric utility is the company that distributes electricity from power generation facilities to homes and businesses in Texas.
- 3) each retail electric provider that sells electric power to you (applies only in competitive areas of ERCOT),
- 4) the office of emergency management of each county in which the utility has water and wastewater facilities that qualify for critical load status, and
- 5) the division of emergency management of the governor by emailing: Texas Division of Emergency Management, soc@tdem.texas.gov (You may call the SOC for alternate filing methods at 512-424-2208).

Please file this information in Central Records, Project 53938. You may request that the information be filed confidentially if you feel that publicly filing facility location and possibly maps will make your water or wastewater utilities more vulnerable. For instructions on the PUCT’s filing requirements and on how to file with the PUCT, please click on the link below. Instructions on how to file confidentially are also located at this link.

<https://www.puc.texas.gov/industry/filings/FilingProceed.aspx>

For instructions on how to file with your electric providers and the office of emergency management of each county in which you have water or wastewater facilities, please contact them directly.

Q: Is there a deadline?

A: Yes, the deadline to comply with this new requirement is November 1, 2021.

Q: What if I have additional questions?

A: Please email the PUCT at DUO@puc.texas.gov or call (512)936-7405 if you have additional questions.