

# Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

**To:** Commissioners **Date:** February 20, 2009  
**Thru:** LaDonna Castañuela  
Chief Clerk  
**From:** Dan Eden, Deputy Director  
Office of Permitting and Registration  
**Subject:** Consideration of a Petition for Proposed Rulemaking  
**Docket No.:** 2009-0058-RUL  
**Rule Project No.** 2009-013-PET-NR

## Who Submitted the Petition:

The petition was submitted by Mr. Mark H. Zeppa on behalf of Quadvest Inc., Aqua Texas Inc., Southern Water Company, Southwest Water Company, and Bradberry Water Supply (Petitioners) on January 12, 2009.

## What the Petitioner Requests:

The Petitioners propose revising 30 TAC §291.84(a)(1) by changing the deposit required by this provision from \$50 to \$100 and by adding the following language:

If the utility elects to require a deposit in excess of \$50 for water or \$50 for sewer, the utility must give the customer the option of paying that portion of the deposit over \$50 in not more than three deferred monthly payments in conjunction with the customer's normal water or sewer service bill.

## Recommended Action and Justification:

The Executive Director recommends initiation of rule making to adjust the amount of the deposits. Costs for investor owned utilities have definitely increased since the current deposit amount was set.

## Applicable Law:

- Texas Government Code, §2001.021, which establishes the procedures by which an interested person may petition a state agency for the adoption of a rule.
- 30 TAC §20.15, which provides such procedures specific to the commission.
- Texas Water Code (TWC), §5.103, which provides the commission with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the TWC and other laws of this state.
- TWC, §13.003, which establishes that Texas Government Code, Chapter 2001 applies to all proceedings under TWC, Chapter 13.
- TWC, §13.041, which provides the commission with the authority to regulate and supervise the business of every water and sewer utility within its jurisdiction and to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction.

## Affected Public:

Re: Docket No. 2009-0058-RUL

Any applicant for service from a water or sewer utility would be affected by the petitioner's proposed rule change.

**Affected Agency Programs:**

The Utilities and Districts Section in the Water Supply Division would be affected by the petitioner's proposed rule change.

**Agency Contacts:**

Margot Taunton, Rule Project Manager, 239-6403, Water Supply Division  
Ron Olson, Staff Attorney, 239-0608  
Jessica Rawlings, Texas Register Coordinator, 239-0177

Attachment: Petition

cc: 5 copies to the Chief Clerk for distribution  
Executive Director's Office  
David C. Schanbacher, P.E.  
Daniel Womack  
Kevin Patteson  
Betsy Bird  
Office of General Counsel  
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