

# UTILI-FACTS

## Project 52299 Senate Bill 3, 87<sup>th</sup> 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 52299. 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 at: Texas Division of Emergency Management, 1033 La Posada Ste 300, Austin, TX 78752.

Please file this information in Central Records, Project 52299. 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](mailto:DUO@puc.texas.gov) or call (512)936-7405 if you have additional questions.



## Central Records Filing Procedures

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### Updated E-Filing Instructions:

Please read our new E-Filing Instructions [here](#).

### Special Filing Procedures due to COVID-19:

Special rules are currently in effect due to the coronavirus/COVID-19 pandemic (updated as of 7/12/2021).

During this time, all filings must be filed electronically. Please use the **PUC Interchange Filer** to do this.

In accordance with the Commission [Order](#) in [50664](#) issued March 16, 2020, service of pleadings in all PUC dockets will only be by E-Filing.

**Please do not file confidential materials electronically as they should be mailed or hand-delivered.**

E-Filing submissions will be **complete** after submission through the PUC Interchange Filer. The filing party can expect to receive an email confirming that we have received their E-Filing, followed by a confirmation email containing an attached E-Filing Receipt.

Once you receive the E-Filing Receipt - the second email - you are **finished** filing.

The documents you attach in Filer will be **processed into a single PDF in the order in which the documents were attached**. Therefore, if you attach a PDF and Word version of the same document, they will both end up in the PDF record copy that has a time stamp.

Please attach documents to your filing in the order in which you would like them to be filed.

The attachments that were submitted during the E-Filing process **no longer** need to be emailed to Central Records.

You can submit an E-Filing at any time of the day, and it will be processed then. You will no longer have to wait for Central Records staff to finish processing your E-Filing.

Please contact Central Records if you have any questions:

[centralrecords@puc.texas.gov](mailto:centralrecords@puc.texas.gov)

512-936-7180

### Mailing Address:

Public Utility Commission of Texas  
Central Records  
1701 N Congress PO Box 13326  
Austin, Texas 78711-3326

### Shipping / Overnight Delivery Address:

Public Utility Commission of Texas  
Central Records  
1701 N Congress, Suite 8-100  
Austin, Texas 78701

Please temporarily disregard the greyed-out text below as it is the old, pre-COVID procedure.

### All Filings:

All filings regardless of their size and number of copies must be sent to the following address for processing per §22.71(b):

### Mailing Address:

Public Utility Commission of Texas  
Central Records  
1701 N Congress PO Box 13326  
Austin, Texas 78711-3326

### Shipping / Overnight Delivery Address:

Public Utility Commission of Texas  
Central Records



# Public Utility Commission of Texas



## Confidential Filings

### Check List for Submitting Confidential Materials to the PUC

Submit two required copies of the confidential materials in two separate 10 X 13 clasp envelopes.

Confidential Label can be retrieved from our website Under Rules & Regulations-Procedural Rules [22.71\(d\)](#)

#### The Form fields are as follows:

- **Include Docket/Project Number.** If this is a new case this line is to be left blank.
- **Style** - to get the correct wording on the Style go to: <http://interchange.puc.texas.gov/>  
Click on "Login"  
In the "Control Number" box, type in the Docket Number, click on "Search Now". On the next page at the top of the entries Item #1 is the "Style" as assigned by Central Records. Paste and copy as listed.
- In the **Brief Description of Contents** state the specific information that is being submitted as confidential. Please note if disk or CD is enclosed.
- **Bate Stamp** - Indicate the page numbering sequence.

#### Additional Requirements:

- Tape down Label (to the front of the envelopes) along all edges to keep it from being ripped or torn in handling.
- Pages must be numbered sequentially.
- 10 or more pages should be double sided.
- Staple pages or insert in pressboard folder.
- If more than 200 numbered pages please submit in separate envelopes.
- Mark each page "Confidential".
- Only Confidential pages are to be submitted in envelopes.

Central Records  
Public Utility Commission of Texas  
1701 N. Congress Ave.  
PO Box 13326  
Austin, TX 78711-3326

### Confidential Filing Certification Form

To view materials filed with the PUCT as confidential the [PUCT Confidential Filing Certification Form](#) must be filled out and submitted through PUCT's Central Records Division.

**\*\*A reminder that if Procedural Rule §22.71(d) is not followed, the confidential materials will be rejected, along with any accompanying documents\*\***



Public Utility Commission of Texas  
PO Box 13326  
Austin, TX 78711-3326

📞 512-936-7000  
✉ Contact Web Support

PUC Websites:  
Power to Choose  
Power to Save  
PUC Interchange

Procurement  
Employment  
Site Policies  
Accessibility  
Email Subscriptions  
Sitemap

Customer Satisfaction Survey  
Where the Money Goes  
TRAIL Search  
Texas Veterans  
Texas.gov  
Report Fraud

**Control No. 52272**

**Cover Letter – Emergency Preparedness Plan (EPP)**

**Instructions**

This cover letter must be completed by each Public Water System and filed with the Public Utility Commission of Texas (PUC) pursuant to [TWC §13.1396\(b\)](#).

**Contact Information**

Name of Filing Party:

Name of Retail Public Utility:

Certificate of Convenience and Necessity (CCN) – if applicable:

Point of Contact Name:

Email Address:

Phone Number:

**Type of Filing**

Please Select One of the Following:

1.  Submit a Copy of Approved Confidential Emergency Preparedness Plan (EPP)
  - File this Cover Letter as a regular filing. Then file a copy of the EPP **approved by the Texas Commission on Environmental Quality (TCEQ)** separately as a **Confidential filing**. You will find instructions for filing below.
  
2.  Submit Copy of Request for an Exemption filed with the TCEQ
  - Include a copy of the documentation filed with the TCEQ seeking an exemption to the EPP requirement, and file this Cover Letter with the additional documentation attached.
  
3.  Submit a Copy of Request for an Extension filed with the TCEQ
  - Include a copy of the documentation filed with the TCEQ seeking an extension to filing the EPP, and file this Cover Letter with the additional documentation attached.

**Filing Instructions**

E-Filing instructions – <http://www.puc.texas.gov/industry/filings/E-Filing%20Instructions.pdf>

Confidential filing instructions – <https://www.puc.texas.gov/industry/filings/Confidential.aspx>

**Questions?**

EPP Questions – [duo@puc.texas.gov](mailto:duo@puc.texas.gov)

Filing Questions – [centralrecords@puc.texas.gov](mailto:centralrecords@puc.texas.gov)