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OPINION COMMITTEE

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The State of Texas
House of Representatives



BYRON COOK
State Representative
District 8

FILE # ML-46300-10
ID # 46300

P.O. BOX 1397
CORSIANA, TEXAS 75151
903-872-9766

Via Regular Mail

January 7, 2010

RQ-0850-GA

The Honorable Greg Abbott
Attorney General, State of Texas
P. O. Box 12548
Austin, Texas 78711-2548

RE: Opinion Request regarding the Texas Water Code

Dear General Abbott:

This request concerns three consecutive and related sections of the Texas Water Code: 13.250 - Continuous and Adequate Service: Discontinuance, Reduction, or Impairment of Service ("13.250"); 13.2501 - Conditions Requiring Refusal of Service Corporation or Special Utility District ("13.2502").

Additionally, this request involves a water supply corporation ("WSC") to which 13.250 applies; and, which holds a certificate of convenience and necessity as described in 13.250(a), and which has neither requested nor received a certificate from the Texas Commission on Environmental Quality informing it that neither the present nor the future convenience and necessity will be affected, as described in 13.250(b).

The question is as follows: If this WSC receives a request for water service in a situation as described in 13.2502(a), does the wording "not required to extend...service", appearing in 13.2502(a) mean that the WSC (1) may or may not, at its option, provide water service to the applicant, or (2) is prohibited from providing water service as with the wording in section 13.2501, "shall refuse to serve"?

Thank you for your time and consideration of this request.

Sincerely,


Byron Cook
State Representative
Texas House District 8



Anderson ★ Freestone ★ Limestone ★ Navarro