



SENATE BILL 95: Expedite Water/Wastewater Franchise Transfer.

2023-2024 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	March 7, 2023
Introduced by:	Sens. Barnes, Daniel	Prepared by:	Jennifer McGinnis
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *Senate Bill 95 would establish an expedited approval process for the ownership transfer of certain water or wastewater utilities by the Utilities Commission (Commission).*

CURRENT LAW: Chapter 62 (Public Utilities) requires approval of the Utilities Commission for the sale or transfer of a public utility. The Commission must approve a sale or transfer if it is justified by the public convenience and necessity.

BILL ANALYSIS:

Section 1(a) would:

- Require the Commission to determine, within 30 days of submittal, whether an application was complete for transfer of a water or wastewater franchise, or for a certificate of public convenience and necessity (CPCN) to acquire control or operate a water or wastewater system. The Commission would be required to notify an applicant of any deficiencies identified in that same timeframe. If the Commission failed to take such action within 30 days, the application would be deemed complete.
- Require the Commission to issue an order approving the franchise transfer or issuing the CPCN within 210 days of receipt of a complete application upon finding that:
 - The proposed transfer, including adoption of the transferring utility's currently approved rates, or the requested CPCN, as applicable, is in the public interest, will not adversely affect service to the public under any existing franchise, and the person acquiring said franchise or CPCN has the technical, managerial, and financial capabilities necessary to provide public utility service to the public.
 - The water or wastewater system has an unresolved notice of violation issued by Department of Environmental Quality (DEQ).

The requirements of this section would only be applicable to an application for transfer or CPCN filed on or after the date this bill would become law.

Section 1(b) would require that, for applications pending on the date this bill would become law, the Commission would be required to issue an order approving the franchise transfer or issuing the CPCN within 180 days of receipt of a complete application upon finding that:

- The proposed transfer, including adoption of the transferring utility's currently approved rates, or the requested CPCN, as applicable, is in the public interest, will not adversely affect service to the public under any existing franchise, and the person acquiring said franchise or CPCN has the technical, managerial, and financial capabilities necessary to provide public utility service to the public.

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Senate Bill 95

Page 2

- The water or wastewater system has an unresolved notice of violation issued by the DEQ.

EFFECTIVE DATE: The bill would be effective when it becomes law.