

Subchapter P. EMERGENCY ORDERS FOR WATER AND SEWER UTILITIES.

§22.299. Hearing Required to Affirm, Modify, or Set Aside.

- (a) A hearing shall be held either before or after the issuance of each emergency order, unless all persons affected by the order waive the right to a hearing. Notice of a hearing to affirm, modify, or set aside an emergency order shall be given in accordance with §22.297(d) of this title (relating to Notice and Opportunity for Hearing).
- (b) A hearing to affirm, modify, or set aside an emergency order under this subchapter is subject to the APA.
- (c) In a hearing to affirm, modify, or set aside an emergency order under this subchapter, the applicant shall be given the opportunity to:
 - (1) present evidence under oath;
 - (2) present rebuttal evidence under oath; and
 - (3) cross-examine witnesses under oath.
- (d) If no hearing is held before the issuance of an emergency order, the commission or the executive director shall set a time and place for a hearing to be held before the commission or SOAH to affirm, modify, or set aside the order as soon as practicable after the order is issued. For emergency orders issued pursuant to §24.14(a)(2) or §24.14(a)(3) of this title (relating to Emergency Orders and Emergency Rates) without a hearing, the order shall set a time and place for a hearing before the commission or SOAH to affirm, modify, or set aside the order as soon as practicable after the order is issued.
- (e) At a hearing required under this section, or within a reasonable time after the hearing, the commission shall affirm, modify, or set aside the emergency order.