

CHAPTER 24. SUBSTANTIVE RULES APPLICABLE TO WATER AND SEWER SERVICE PROVIDERS.

Subchapter B. RATES, RATE-MAKING, AND RATES/TARIFF CHANGES.

§24.23. Time Between Filings.

- (a) **Application.** The following provisions are applicable to utilities, including those with consolidated or regional tariffs, under common control or ownership with any utility that has filed a statement of intent to increase rates pursuant to TWC §13.187 or §13.1871.
- (b) A utility or two or more utilities under common control and ownership may not file a statement of intent to increase rates pursuant to TWC §13.187 or §13.1871 more than once in a 12-month period except:
- (1) to implement an approved purchase water pass through provision;
 - (2) to adjust the rates of a newly acquired utility system;
 - (3) to comply with a commission order;
 - (4) to adjust rates authorized by §24.21(b)(2) of this title (relating to Form and Filing of Tariffs);
 - (5) when the regulatory authority requires the utility to deliver a corrected statement of intent; or
 - (6) when the regulatory authority determines that a financial hardship exists. A utility may be considered to be experiencing a financial hardship if revenues are insufficient to:
 - (A) cover reasonable and necessary operating expenses;
 - (B) cover cash flow needs which may include regulatory sampling requirements, unusual repair and maintenance expenses, revenues to finance required capital improvements or, in certain instances, existing debt service requirements specific to utility operations; or
 - (C) support a determination that the utility is able to provide continuous and adequate service to its existing service area.
- (c) A Class C utility under common control or ownership with a utility that has filed an application to change rates pursuant to TWC §13.187 or §13.1871 within the preceding 12 months may not file an application to change rates pursuant to TWC §13.187 or §13.1871 unless it is filed pursuant to an exception listed in subsection (b) of this section.