



Control Number: 53728



Item Number: 9

**DOCKET NO. 53728**

**REQUEST OF CITY OF AMES FOR § PUBLIC UTILITY COMMISSION  
EMERGENCY ORDER TO MAINTAIN §  
SEWER SERVICE FROM CITY OF § OF TEXAS  
LIBERTY**

**ORDER DENYING REQUEST FOR EMERGENCY ORDER**

This Order addresses the request filed by the City of Ames for an emergency order to require the City of Liberty to provide continuous and adequate service under Texas Water Code § 13.041(d). Ames filed a similar request for relief with the Texas Commission on Environmental Quality (TCEQ). On June 29, 2022, the TCEQ issued an emergency order requiring Liberty to provide to Ames continuous and adequate sewer service that complies with TWC § 13.041(h)(1) and TCEQ rules. Therefore, the request by Ames for the same relief is moot and the executive director denies the request for an emergency order.

**I. Findings of Fact**

The executive director makes the following findings of fact.

**Applicant**

1. Ames is a general law municipality located within Liberty County, Texas.

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2. On January 5, 2022 Liberty sent notice to Ames regarding suspension of sewer disposal service, effective July 1, 2022.
3. On June 16, 2022, Ames filed a request for the Commission to issue an emergency order to compel Liberty to maintain sewer service. Ames requested that the Commission require Liberty to provide continuous and adequate service under Texas Water Code § 13.041(d).
4. On or about June 16, 2022, Ames filed a similar request with the Texas Commission on Environmental Quality (TCEQ) to issue an emergency order to require Liberty to provide continuous and adequate service under Texas Water Code § 13.041(d).

5. On June 29, 2022, the TCEQ issued an emergency order requiring Liberty to provide to Ames continuous and adequate sewer service that complies with TWC § 13.041(h)(1) and TCEQ rules.
6. It is not necessary for the Commission to issue an order requiring Liberty to provide to Ames continuous and adequate sewer service.

## II. Conclusions of Law

The executive director makes the following conclusions of law.

1. The Commission has jurisdiction over this matter under TWC § 13.451(a) and (b).
2. Under TWC § 13.451(b), the Commission may by order or rule may delegate to its executive director the authority to receive and issue emergency orders under TWC subchapter K-1.
3. On December 4, 2015, the Commission issued an order in Docket No. 43517 that delegated authority to the executive director to receive applications and issue emergency orders in accordance with TWC § 13.451.<sup>1</sup>


## III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the executive director issues the following orders:

1. Ames' request for an emergency order to require the City of Liberty to provide continuous and adequate service under Texas Water Code § 13.041(d) is denied.
2. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 10<sup>th</sup> day of August 2021.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
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**Thomas J. Gleeson, Executive Director**

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<sup>1</sup> *Delegation of Authority Generally to the Executive Director*, Docket No. 43517, Order (Dec. 4, 2015).