

Subchapter P. EMERGENCY ORDERS FOR WATER AND SEWER UTILITIES.

§22.297. Notice and Opportunity for Hearing.

- (a) An emergency order under this subchapter may be issued with or without notice and an opportunity for hearing in accordance with this subchapter.
- (b) A law under which the commission acts that requires notice of hearing or that prescribes procedures for the issuance of emergency orders does not apply to a hearing on an emergency order issued pursuant to the Texas Water Code, Chapter 13, Subchapter K-1 unless the law specifically requires notice for an emergency order. The commission shall give notice of the hearing as it determines is practicable under the circumstances.
- (c) If notice and opportunity for a hearing is practicable, the commission shall provide the notice not later than the tenth day before the date set for the hearing.
- (d) If notice and opportunity for a hearing is not practicable, an emergency order may be issued under this section without a hearing.
 - (1) An emergency order issued without a hearing under this section is not subject to the requirements of the APA.
 - (2) If an emergency order is issued without a hearing under this section, the commission shall schedule a hearing to affirm, modify, or set aside the emergency order pursuant to §22.299 of this title (relating to Hearing Required to Affirm, Modify, or Set Aside). Such a hearing will be conducted in accordance with the APA. Notice of such a hearing shall be given no later than the tenth day before the date of the hearing and shall provide that an affected person may:
 - (A) participate in an evidentiary hearing to affirm, modify, or set aside the emergency order; and
 - (B) waive the right to a hearing. The notice shall explain how such waiver may occur.