<pre>1-19 Zaffirini X 1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 853 By: King 1-21 A BILL TO BE ENTITLED 1-22 AN ACT 1-23 relating to electricity service provided by certain municipally 1-24 owned utilities. 1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:</pre>	1-1			. 853
1-4 April 5, 2023, reported adversely, with favorable Committee 1-5 Sent to printer.) 1-7 COMMITTEE VOTE 1-8 Yea Nay Absent PNV 1-9 Schwertner X 1-10 King X 1-11 Birdwell X 1-12 Gampbell X 1-13 Creighton X 1-14 Johnson X 1-15 Kolkhorst X 1-16 Menéndez X 1-17 Middleton X 1-18 Nichols X 1-19 Zaffirini X 1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 853 By: King 1-21 A BILL TO BE ENTITLED 1-22 AN ACT 1-23 relating to electricity service provided by certain municipally 1-24 owned utilities. SECTION 1. Chapter 3. Utilities Code, is amended by adding 21-25 SECTION 1. Chapter 3. Utilities Code, is amended by adding 229 Sec. 33.151. APPLICABLITY. This subchapter applics only 210 a wanicipally wowed utility that provides service in t				
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C.S.S.B. No. 853 reasonable, the commission shall deny the petition. If the commission determines that the rates are not just and reasonable, 2-1 2-2 the commission shall set rates for the petitioning customer 2-3 or group that are just, reasonable, and consistent with the rates 2-4 2-5 available to similarly situated customers in areas of the state 2-6 that have access to customer choice. 2-7 (e) The commission shall: 2-8 (1) allow the municipally owned utility an opportunity 2-9 to respond to a review conducted under this section; and (2) make publicly available on the commission's 2-10 2-11 the commission's Internet website review and the utility's 2-12 response. Sec. 33.153. LIMITED DURATION. (a) Except as provided by Subsection (b), the commission may review the rates of a 2-13 2-14 2**-**15 2**-**16 owned utility under this subchapter only municipally until 2028. 1, September 2-17 The commission may review the rates of a municipally (b) 2-18 owned utility under this subchapter after September 1, 2028, if: (1) the municipally owned utility did not initiate 2-19 а 2-20 2-21 base rate proceeding during the period beginning September 1, 2023, and ending September 1, 2028; and 2-22 (2) the rates being reviewed are proposed for or were in the first base rate proceeding initiated by the <u>ado</u>pted 2-23 municipally owned utility after September 1, 2028. 2-24 2**-**25 2**-**26 Section 40.004, SECTION 2. Utilities Code, is amended to read as follows: 2-27 Sec. 40.004. JURISDICTION OF COMMISSION. Except as 2-28 specifically otherwise provided in this chapter, the commission has 2-29 jurisdiction over municipally owned utilities only for the 2-30 following purposes: 2-31 (1) to regulate wholesale transmission rates and service, including terms of access, to the extent provided by 2-32 2-33 Subchapter A, Chapter 35; 2-34 (2) to regulate certification of retail service areas 2-35 to the extent provided by Chapter 37; 2-36 (3) to regulate rates: 2-37 (A) under Subchapter F, Chapter 33, subject to Section 40.051(c); and 2-38 2-39 (B) on appeal under Subchapters D and E, Chapter 2-40 33, subject to Section 40.051(c); 2-41 (4) to establish a code of conduct as provided by 2-42 Section 39.157(e) applicable to anticompetitive activities and to 2-43 affiliate activities limited to structurally unbundled affiliates 2-44 of municipally owned utilities, subject to Section 40.054; 2-45 (5) to establish terms and conditions for open access 2-46 to transmission and distribution facilities for municipally owned 2-47 utilities providing customer choice, as provided by Section 39.203; 2-48 (6) to administer the renewable energy credits program under Section 39.904(b) and the natural gas energy credits program 2-49 2-50 under Section 39.9044(b); 2-51 (7) to require reports of municipally owned utility operations only to the extent necessary to: 2-52 2-53 enable (A) the commission to determine the aggregate load and energy requirements of the state and the 2-54 resources available to serve that load; or 2-55 2-56 (B) enable the commission to determine 2-57 information relating to market power as provided by Section 39.155; 2-58 and (8) to evaluate and monitor the cybersecurity preparedness of a municipally owned utility described by Section 2-59 2-60 2-61 **39.1516**(a)(3) or (4). 2-62 SECTION 3. Section 40.051(c), Utilities Code, is amended to 2-63 read as follows: 2-64 (c) After a decision to offer customer choice has been made, Subchapters D_ [and] E, and F, Chapter 33, do not apply to any action taken under this chapter. 2-65 2-66 2-67 SECTION 4. This Act takes effect September 1, 2023. * * * * * 2-68

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