

By: LaMantia

S.B. No. 2181

A BILL TO BE ENTITLED

AN ACT

relating to advanced metering and meter information networks.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 39.107, Utilities Code, is amended by amending Subsection (h) and adding Subsections (h-1) and (l) to read as follows:

(h) Except as provided by Subsection (h-1), the ~~[The]~~ commission shall establish a nonbypassable surcharge for an electric utility or transmission and distribution utility to use to recover reasonable and necessary costs incurred in deploying advanced metering and meter information networks to residential customers and nonresidential customers other than those required by the independent system operator to have an interval data recorder meter. The commission shall ensure that the nonbypassable surcharge reflects a deployment of advanced meters that is no more than one-third of the utility's total meters over each calendar year and shall ensure that the nonbypassable surcharge does not result in the utility recovering more than its actual, fully allocated meter and meter information network costs. The expenses must be allocated to the customer classes receiving the services, based on the electric utility's most recently approved tariffs.

(h-1) The surcharge established under Subsection (h) does not apply to costs incurred in the replacement or upgrading of advanced metering and meter information networks by an electric

1 utility or transmission and distribution utility after initial
2 deployment. An electric utility or transmission and distribution
3 utility may request recovery of reasonable and necessary costs
4 incurred in the replacement or upgrading of advanced metering and
5 meter information networks through a proceeding under Section
6 36.210 or in another ratemaking proceeding.

7 (1) The commission by rule shall require the independent
8 system operator for the ERCOT power region to maintain an Internet
9 portal that allows a customer of a transmission and distribution
10 utility receiving service in the ERCOT power region or the
11 customer's authorized representative to access usage data from the
12 customer's meter. The commission may not require a transmission and
13 distribution utility to maintain an Internet portal described by
14 this subsection.

15 SECTION 2. Section 39.402(e), Utilities Code, is amended to
16 read as follows:

17 (e) Notwithstanding Subsection (a), an electric utility
18 subject to this subchapter that elects to deploy advanced metering
19 and meter information networks may recover reasonable and necessary
20 costs incurred in deploying advanced metering and meter information
21 networks. An electric utility that elects to deploy advanced
22 metering or meter information networks is subject to commission
23 rules adopted under Sections 39.107(h), (h-1), and (k). The
24 commission shall ensure that any deployment plan approved under
25 this section and any related customer surcharge:

26 (1) are not applicable to customer accounts that
27 receive service at transmission voltage; and

1 (2) are consistent with commission rules related to
2 advanced metering systems regarding:

- 3 (A) customer protections;
4 (B) data security, privacy, and ownership; and
5 (C) options given consumers to continue to
6 receive service through a non-advanced meter.

7 SECTION 3. Section 39.452(k), Utilities Code, is amended to
8 read as follows:

9 (k) Notwithstanding Subsection (d), an electric utility
10 subject to this subchapter that elects to deploy advanced metering
11 and meter information networks may recover reasonable and necessary
12 costs incurred in deploying advanced metering and meter information
13 networks. An electric utility that elects to deploy advanced
14 metering or meter information networks is subject to commission
15 rules adopted under Sections 39.107(h), (h-1), and (k). The
16 commission shall ensure that any deployment plan approved under
17 this section and any related customer surcharge:

18 (1) are not applicable to customer accounts that
19 receive service at transmission voltage; and

20 (2) are consistent with commission rules related to
21 advanced metering systems regarding:

- 22 (A) customer protections;
23 (B) data security, privacy, and ownership; and
24 (C) options given consumers to continue to
25 receive service through a non-advanced meter.

26 SECTION 4. Section 39.5021(a), Utilities Code, is amended
27 to read as follows:

1 (a) Notwithstanding Section 39.502, an electric utility
2 subject to this subchapter that elects to deploy advanced metering
3 and meter information networks may recover reasonable and necessary
4 costs incurred in deploying advanced metering and meter information
5 networks. An electric utility that elects to deploy advanced
6 metering or meter information networks is subject to commission
7 rules adopted under Sections 39.107(h), (h-1), and (k). The
8 commission shall ensure that any deployment plan approved under
9 this section and any related customer surcharge:

10 (1) are not applicable to customer accounts that
11 receive service at transmission voltage; and

12 (2) are consistent with commission rules related to
13 advanced metering systems regarding:

14 (A) customer protections;

15 (B) data security, privacy, and ownership; and

16 (C) options given consumers to continue to
17 receive service through a non-advanced meter.

18 SECTION 5. Section 39.5521(a), Utilities Code, is amended
19 to read as follows:

20 (a) Notwithstanding Section 39.552, an electric utility
21 subject to this subchapter that elects to deploy advanced metering
22 and meter information networks may recover reasonable and necessary
23 costs incurred in deploying advanced metering and meter information
24 networks. An electric utility that elects to deploy advanced
25 metering or meter information networks is subject to commission
26 rules adopted under Sections 39.107(h), (h-1), and (k). The
27 commission shall ensure that any deployment plan approved under

1 this section and any related customer surcharge:

2 (1) are not applicable to customer accounts that
3 receive service at transmission voltage; and

4 (2) are consistent with commission rules related to
5 advanced metering systems regarding:

6 (A) customer protections;

7 (B) data security, privacy, and ownership; and

8 (C) options given consumers to continue to
9 receive service through a non-advanced meter.

10 SECTION 6. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2023.