

By: Barrientos

S.B. No. 1792

A BILL TO BE ENTITLED

AN ACT

relating to the price to beat fuel factor adjustment.

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

SECTION 1. Section 39.202(k), Utilities Code, is amended to read as follows:

(k) Following the true-up proceedings conducted under Section 39.262, the commission may adjust the price to beat to reflect the credit devised under Section 39.262(e).

SECTION 2. Section 389.202(1), Utilities Code, is amended to read as follows:

(1) The commission may not adjust the fuel factor established under Subsection (b) except pursuant to the following circumstances:

(1) ~~An~~ an affiliated retail electric provider may request that the commission ~~adjust~~ increase the fuel factor established under Subsection (b) not more than twice a year if the affiliated retail electric provider demonstrates that the existing fuel factor does not adequately reflect significant changes in the market price of natural gas and purchased energy used to serve retail customers; or

(2) an affiliated retail electric provided, a regulatory authority under Chapter 33, the Office of Public Utility Counsel, or the Commission may request that the existing fuel factor be decreased if the requesting party demonstrates that the

1 existing fuel factor does not adequately reflect significant  
2 changes in the market price of natural gas and purchased energy used  
3 to serve retail customers.

4 SECTION 3. EFFECTIVE DATE. This Act takes effect  
5 immediately if it receives a vote of two-thirds of all the members  
6 elected to each house, as provided by Section 39, Article III, Texas  
7 Constitution. If this Act does not receive the vote necessary for  
8 immediate effect, this Act takes effect September 1, 2003.