

Amend HB 2129 (Senate committee report) by adding the following appropriately numbered sections:

SECTION __. Section 39.107, Utilities Code, is amended by amending Subsections (a) and (b) and by adding Subsection (h) to read as follows:

(a) On introduction of customer choice in a service area, metering services for the area shall continue to be provided by the transmission and distribution utility affiliate of the electric utility that was serving the area before the introduction of customer choice. Metering services provided to commercial and industrial customers that are required by the independent system operator to have an interval data recorder meter may ~~shall~~ be provided on a competitive basis ~~[beginning on January 1, 2004]~~.

(b) Metering services provided to residential customers and to nonresidential customers other than those required by the independent system operator to have an interval data recorder meter shall continue to be provided by the transmission and distribution utility affiliate of the electric utility that was serving the area before the introduction of customer choice ~~[until the later of September 1, 2005, or the date on which at least 40 percent of those residential customers are taking service from unaffiliated retail electric providers]~~. Retail electric providers serving residential and nonresidential customers other than those required by the independent system operator to have an interval data recorder meter may request that the transmission and distribution utility provide specialized meters, meter features, or add-on accessories so long as they are technically feasible and generally available in the market and provided that the retail electric provider pays the differential cost of such a meter or accessory. Metering and billing services provided to residential customers shall be governed by the customer safeguards adopted by the commission under Section 39.101. All meter data, including all data generated, provided, or otherwise made available, by advanced meters and meter information networks, shall belong to a customer, including data used to calculate charges for service, historical load data, and any other proprietary customer information. A customer may authorize its data to be provided to one or more retail

electric providers under rules and charges established by the commission.

(h) 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.

SECTION __. (a) In recognition that advances in digital and communications equipment and technologies, including new metering and meter information technologies, have the potential to increase the reliability of the regional electrical network, encourage dynamic pricing and demand response, make better use of generation assets and transmission and generation assets, and provide more choices for consumers, the legislature encourages the adoption of these technologies by electric utilities in this state.

(b) The Public Utility Commission of Texas shall study the efforts of electric utilities to benefit from the use of advanced metering and metering information networks. The commission shall present to the legislature on or before September 30, of each even-numbered year a report detailing those efforts and identifying changes in this state's policies that may be necessary to remove barriers to the use of advanced metering and metering information networks or of other advanced transmission and distribution technologies. On or before September 30, 2010, the commission shall:

(1) evaluate whether advances in technology, changes in the market, or other unanticipated factors, would allow meters

or various meter-related products or services to be provided more efficiently or more effectively through competition; and

(2) make recommendations for legislation the commission considers appropriate.