

Amend CSSB 408 by adding the following new appropriately numbered sections and renumbering remaining sections appropriately:

SECTION _____. Sections 39.353(a), (c), and (d), Utilities Code, are amended to read as follows:

(a) A person may not provide aggregation services in the state unless the person is registered with the commission as an aggregator. The commission shall register a municipality under this section pursuing citizen aggregation upon filing by a municipality of a resolution creating the municipal aggregation program passed by the governing body of the municipality.

(c) A person registering under this section shall comply with all customer protection provisions, all disclosure requirements, and all marketing guidelines established by the commission and by this title. A municipality pursuing citizen aggregation is free to negotiate customer protection provisions that exceed those imposed by the commission or by this title.

(d) The commission shall establish terms and conditions it determines necessary to regulate the reliability and integrity of aggregators, other than municipal citizen aggregators, in the state [~~by June 1, 2000~~].

SECTION _____. Chapter 39, Utilities Code, is amended by adding a new Section 39.3536 to read as follows:

(a) In order to register with the commission under Section 39.353 that a municipality is pursuing citizen aggregation, the governing body of a municipality shall adopt an ordinance or resolution providing for automatic enrollment of citizens of the political subdivision in aggregation services. Upon registration with the commission under Section 39.353, the commission shall require the municipality to send to each citizen by mail a 60 day written notice that citizens served by an affiliated retail electric provider will be automatically enrolled unless a citizen expressly requests to not be enrolled.

(b) Upon registration of a municipality by the commission under Section 39.353, a municipality may require an affiliated retail electric provider and the transmission and distribution utility to provide to the municipality any information the

municipality considers necessary to solicit or administer an aggregation program under this section, including the name, address, electric service identifier, and monthly usage of each residential customer who resides in the municipality. The consent of a customer may not be required as a condition of providing information to a municipality under this subsection. The municipality may provide to a third party or an aggregator information received under this subsection, but only for the purpose of bidding on, implementing, and administering the aggregation program.

(c) This section is not intended to abrogate an electric service contract between a citizen of any municipality and a competitive retail electric provider. Residential customers who have previously switched from the affiliated retail electric provider may opt-in to the aggregation program upon expiration of their existing contract.

(d) Any savings attributable to the aggregation program shall be directed to citizen participants except that the political subdivision may recover its actual administrative costs.

(e) The authority granted to municipalities under this section applies only to municipalities with populations of 125,000 or less.