

By: Chisum

H.B. No. 987

A BILL TO BE ENTITLED

AN ACT

1
2 relating to costs incurred by certain persons in relation to
3 complaints filed with the Railroad Commission of Texas against gas
4 utilities.

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

6 SECTION 1. Subchapter C, Chapter 105, Utilities Code, is
7 amended by adding Section 105.052 to read as follows:

8 Sec. 105.052. REIMBURSEMENT OF REASONABLE COSTS. (a) To
9 the extent the regulatory authority determines the costs are
10 reasonable, a gas utility shall reimburse the costs of an affected
11 person or of a state agency or municipality that is a party to a
12 proceeding that results from a complaint filed against the utility
13 under Section 105.051 if the affected person, state agency, or
14 municipality is wholly or partially successful in prosecuting the
15 complaint before a regulatory authority or a court. A state agency
16 or municipality is eligible for reimbursement under this section
17 only if the agency or municipality had requested and offered to
18 participate in a nonbinding informal complaint resolution
19 procedure under the auspices of the railroad commission before the
20 complaint was filed, or in the event of an emergency, within a
21 reasonable time after the complaint was filed, as determined by the
22 railroad commission.

23 (b) Costs for which an affected person, a state agency, or a
24 municipality may receive reimbursement under this section include

1 any reasonably necessary expenses related to the investigation,
2 preparation, and prosecution of a claim on which the person,
3 agency, or municipality prevails, including the reasonable costs of
4 consultants, accountants, auditors, attorneys, and engineers.

5 (c) For purposes of this section, an affected person or a
6 state agency or municipality may recover reasonable costs not yet
7 paid because payment has been deferred pending a determination of
8 reasonableness by the regulatory authority.

9 (d) Notwithstanding any other provision of this subtitle, a
10 gas utility may not recover any amounts paid as reimbursement under
11 this section as or through a charge to the utility's customers.

12 SECTION 2. This Act applies only to a complaint filed on or
13 after the effective date of this Act. A complaint filed before that
14 date is governed by the law in effect on the date the complaint is
15 filed, and that law is continued in effect for that purpose.

16 SECTION 3. This Act takes effect September 1, 2005.