

By: Eltife

S.B. No. 1755

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

(b) Costs for which an affected person, a state agency, or a 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.