

By: Turner

H.B. No. 551

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the system benefit fund and to eligibility for and  
3 enrollment for benefits provided under the system benefit fund  
4 programs.

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

6 SECTION 1. Section 39.903, Utilities Code, is amended by  
7 amending Subsections (a), (b), (e), (h), (j), and (l) and adding  
8 Subsections (e-1) and (e-2) to read as follows:

9 (a) The system benefit fund is a trust fund held outside the  
10 state treasury by the commission solely for the benefit of programs  
11 and ~~[an account in the general revenue fund. Money in the account~~  
12 ~~may be appropriated only for the]~~ purposes provided by this section  
13 ~~[or other law]~~. Interest earned on the system benefit fund shall be  
14 credited to the fund. The commission shall administer the system  
15 benefit fund as trustee and may act as necessary to make payments  
16 from the system benefit fund as necessary to accomplish the  
17 purposes of this section ~~[Section 403.095, Government Code, does~~  
18 ~~not apply to the system benefit fund]~~.

19 (b) The system benefit fund is financed by a nonbypassable  
20 fee set by the commission in an amount not to exceed 65 cents per  
21 megawatt hour. The system benefit fund fee is allocated to  
22 customers based on the amount of kilowatt hours used. The  
23 commission by rule shall provide necessary procedures for fees  
24 collected under this section to be deposited in the system benefit

1 fund and credited properly. The commission may establish separate  
2 accounts in the system benefit fund for purposes authorized by this  
3 section.

4 (e) Money in the system benefit fund may be spent  
5 ~~[appropriated to provide funding]~~ solely for the purpose described  
6 by Subsection (e-1) and for the following ~~[regulatory]~~ purposes, in  
7 the following order of priority:

8 (1) programs to:

9 (A) assist low-income electric customers by  
10 providing the 10-20 ~~[10]~~ percent reduced rate prescribed by  
11 Subsection (h); and

12 (B) provide one-time bill payment assistance to  
13 electric customers who are or who have in their households one or  
14 more seriously ill or disabled low-income persons and who have been  
15 threatened with disconnection for nonpayment;

16 (2) customer education programs, subject to  
17 Subsection (e-2);

18 (3) ~~[7]~~ administrative expenses incurred by the  
19 commission in implementing and administering this chapter, and  
20 expenses incurred by the office under this chapter; and

21 (4) ~~[(3)]~~ programs to assist low-income electric  
22 customers by providing the targeted energy efficiency programs  
23 described by Subsection (f)(2) ~~[7]~~

24 ~~[(4) programs to assist low-income electric customers~~  
25 ~~by providing the 20 percent reduced rate prescribed by Subsection~~  
26 ~~(h); and~~

27 ~~[(5) reimbursement to the commission and the Health~~

1 ~~and Human Services Commission for expenses incurred in the~~  
2 ~~implementation and administration of an integrated eligibility~~  
3 ~~process created under Section 17.007 for customer service discounts~~  
4 ~~relating to retail electric service, including outreach expenses~~  
5 ~~the commission determines are reasonable and necessary].~~

6 (e-1) The commission by rule shall develop and implement a  
7 program through which a retail electric provider shall provide a  
8 rate reduction for an eligible nursing home customer. The  
9 commission shall accept applications from nursing homes for a rate  
10 reduction under this subsection and shall determine the rate  
11 reduction for each retail electric provider that supplies  
12 electricity to each approved nursing home so that each nursing home  
13 receives an equal percentage reduction from the rate the nursing  
14 home otherwise would be charged. The percentage reduction must be  
15 the maximum percentage reduction, not to exceed 20 percent, that  
16 the commission may finance from an amount equal to five percent of  
17 the annual income of the system benefit fund, including the costs of  
18 administering this subsection. A nursing home is eligible for a  
19 rate reduction under this subsection only if the nursing home is a  
20 nonprofit entity and at least half of the entity's nursing  
21 residents are Medicaid eligible.

22 (e-2) The commission may not use money in the system benefit  
23 fund for customer education programs described by Subsection (e)(2)  
24 on or after September 1, 2009.

25 (h) The commission shall adopt rules for a retail electric  
26 provider to determine a reduced rate for eligible customers to be  
27 discounted off the standard retail service package as approved by

1 the commission under Section 39.106, or the price to beat  
2 established by Section 39.202, whichever is lower. Municipally  
3 owned utilities and electric cooperatives shall establish a reduced  
4 rate for eligible customers to be discounted off the standard  
5 retail service package established under Section 40.053 or 41.053,  
6 as appropriate. The reduced rate for a retail electric provider  
7 shall result in a total charge that is at least 10 percent and, if  
8 sufficient money in the system benefit fund is available, up to 20  
9 percent, lower than the amount the customer would otherwise be  
10 charged. ~~[To the extent the system benefit fund is insufficient to~~  
11 ~~fund the initial 10 percent rate reduction, the commission may~~  
12 ~~increase the fee to an amount not more than 65 cents per megawatt~~  
13 ~~hour, as provided by Subsection (b). If the fee is set at 65 cents~~  
14 ~~per megawatt hour or if the commission determines that~~  
15 ~~appropriations are insufficient to fund the 10 percent rate~~  
16 ~~reduction, the commission may reduce the rate reduction to less~~  
17 ~~than 10 percent.]~~ For a municipally owned utility or electric  
18 cooperative, the reduced rate shall be equal to an amount that can  
19 be fully funded by that portion of the nonbypassable fee proceeds  
20 paid by the municipally owned utility or electric cooperative that  
21 is allocated to the utility or cooperative by the commission under  
22 Subsection (e) for programs for low-income customers of the utility  
23 or cooperative. The reduced rate for municipally owned utilities  
24 and electric cooperatives under this section is in addition to any  
25 rate reduction that may result from local programs for low-income  
26 customers of the municipally owned utilities or electric  
27 cooperatives.

1           (j) The commission shall adopt rules providing for methods  
2 of enrolling customers eligible to receive reduced rates under  
3 Subsection (h). The rules must provide for automatic enrollment as  
4 one enrollment option. On [~~The Texas Department of Human Services,~~  
5 ~~or~~] request of the commission, each appropriate governmental entity  
6 shall assist in the adoption and implementation of these rules.  
7 Each assisting governmental entity [~~The commission and the Texas~~  
8 ~~Department of Human Services~~] shall enter into a memorandum of  
9 understanding with the commission establishing the respective  
10 duties of the commission and the entity [~~department~~] in relation to  
11 the automatic enrollment. Each assisting governmental entity shall  
12 supply to the commission any information necessary for the  
13 commission to implement automatic enrollment for reduced rates  
14 under Subsection (h). The commission shall prepare a report each  
15 calendar quarter with information concerning the enrollment of  
16 customers eligible for the reduced rates. The commission shall  
17 compile the information into an annual report to be published for  
18 periodic distribution not later than January 1 of each odd-numbered  
19 year. The commission shall send a copy of each annual and quarterly  
20 report to each member of the legislature and the electric utility  
21 restructuring legislative oversight committee.

22           (1) For the purposes of this section, a "low-income electric  
23 customer" is an electric customer:

24                   (1) whose household income is not more than 125  
25 percent of the federal poverty guidelines; or

26                   (2) in whose household resides a person who:

27                           (A) receives food stamps from the Health and

1 Human Services Commission [~~Texas Department of Human Services~~] or  
2 medical assistance from a state agency administering a part of the  
3 medical assistance program;

4 (B) receives federal housing assistance;

5 (C) has a child enrolled in the national school  
6 lunch program for free or reduced-price lunches; or

7 (D) receives lifeline telephone service.

8 SECTION 2. (a) For the state fiscal year beginning  
9 September 1, 2007, the Public Utility Commission of Texas shall  
10 spend at least \$12 million from the system benefit fund for the  
11 purposes of customer education programs described by Section  
12 39.903(e)(2), Utilities Code.

13 (b) For the state fiscal year beginning September 1, 2008,  
14 the Public Utility Commission of Texas shall spend at least \$12  
15 million from the system benefit fund for the purposes of customer  
16 education programs described by Section 39.903(e)(2), Utilities  
17 Code.

18 SECTION 3. The Public Utility Commission of Texas shall  
19 adopt rules required by Section 39.903, Utilities Code, as amended  
20 by this Act, not later than January 1, 2008.

21 SECTION 4. This Act takes effect September 1, 2007.