

By: Hartnett, Turner of Harris,  
King of Parker, et al.

H.B. No. 395

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to this state's goal for installed electric generating  
3 capacity from natural gas.

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

5 SECTION 1. Section 39.9044, Utilities Code, is repealed.

6 SECTION 2. Section 40.004, Utilities Code, is amended to  
7 read as follows:

8 Sec. 40.004. JURISDICTION OF COMMISSION. Except as  
9 specifically otherwise provided in this chapter, the commission has  
10 jurisdiction over municipally owned utilities only for the  
11 following purposes:

12 (1) to regulate wholesale transmission rates and  
13 service, including terms of access, to the extent provided by  
14 Subchapter A, Chapter 35;

15 (2) to regulate certification of retail service areas  
16 to the extent provided by Chapter 37;

17 (3) to regulate rates on appeal under Subchapters D  
18 and E, Chapter 33, subject to Section 40.051(c);

19 (4) to establish a code of conduct as provided by  
20 Section 39.157(e) applicable to anticompetitive activities and to  
21 affiliate activities limited to structurally unbundled affiliates  
22 of municipally owned utilities, subject to Section 40.054;

23 (5) to establish terms and conditions for open access  
24 to transmission and distribution facilities for municipally owned

1 utilities providing customer choice, as provided by Section 39.203;

2 (6) to require collection of the nonbypassable fee  
3 established under Section 39.903(b) and to administer the renewable  
4 energy credits program under Section 39.904(b) [~~and the natural gas  
5 energy credits program under Section 39.9044(b)~~]; and

6 (7) to require reports of municipally owned utility  
7 operations only to the extent necessary to:

8 (A) enable the commission to determine the  
9 aggregate load and energy requirements of the state and the  
10 resources available to serve that load; or

11 (B) enable the commission to determine  
12 information relating to market power as provided by Section 39.155.

13 SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2009.