

By: Zerwas

H.B. No. 491

A BILL TO BE ENTITLED

1 AN ACT

2 relating to allowing customers to opt out of provider of last resort  
3 default service.

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

5 SECTION 1. Section 39.101(b), Utilities Code, is amended to  
6 read as follows:

7 (b) A customer is entitled:

8 (1) to be informed about rights and opportunities in  
9 the transition to a competitive electric industry;

10 (2) to choose the customer's retail electric provider  
11 consistent with this chapter, to have that choice honored, and to  
12 assume that the customer's chosen provider will not be changed  
13 without the customer's informed consent;

14 (3) to have access to providers of energy efficiency  
15 services, to on-site distributed generation, and to providers of  
16 energy generated by renewable energy resources;

17 (4) to be served by a provider of last resort that  
18 offers a commission-approved standard service package;

19 (4-a) to opt out of and to reinstate provider of last  
20 resort default service as provided by Section 39.106;

21 (5) to receive sufficient information to make an  
22 informed choice of service provider;

23 (6) to be protected from unfair, misleading, or  
24 deceptive practices, including protection from being billed for

1 services that were not authorized or provided; and

2 (7) to have an impartial and prompt resolution of  
3 disputes with its chosen retail electric provider and transmission  
4 and distribution utility.

5 SECTION 2. Section 39.106, Utilities Code, is amended by  
6 adding Subsections (h) and (i) to read as follows:

7 (h) The commission by rule shall establish a procedure by  
8 which customers may opt out of and reinstate provider of last resort  
9 default service. The commission shall establish and maintain a  
10 list of all customers who choose to opt out of provider of last  
11 resort default service and share the list with retail electric  
12 providers. The commission shall notify customers that opting out  
13 of provider of last resort default service will result in a loss of  
14 electric service if the customer's chosen electric retail provider  
15 would otherwise be required to transfer the customer to a provider  
16 of last resort under commission rules.

17 (i) The commission by rule shall establish a provider of  
18 last resort public education program to inform consumers about the  
19 default services offered by providers of last resort and the  
20 procedure by which customers may opt out of and reinstate the  
21 default services of providers of last resort.

22 SECTION 3. The Public Utility Commission of Texas shall  
23 establish the opt-out procedure, opt-out participant list, and  
24 provider of last resort public education program required by  
25 Sections 39.106(h) and (i), Utilities Code, as added by this Act,  
26 not later than January 1, 2010.

27 SECTION 4. This Act takes effect September 1, 2009.