

By: Turner of Tarrant, Turner of Harris,
Geren, Menendez, Bohac, et al.

H.B. No. 995

Substitute the following for H.B. No. 995:

By: Solomons

C.S.H.B. No. 995

A BILL TO BE ENTITLED

AN ACT

relating to notice of expiration and price change in certain retail electric service contracts.

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

SECTION 1. Subchapter C, Chapter 39, Utilities Code, is amended by adding Section 39.112 to read as follows:

Sec. 39.112. NOTICE OF EXPIRATION AND PRICE CHANGE. (a) In this section, "fixed rate product" means a retail electric product with a term of at least three months for which the price for each billing period, including recurring charges, does not change throughout the term of the contract, except that the price may vary to reflect actual changes in transmission and distribution utility charges, changes to ERCOT or Texas Regional Entity administrative fees charged to loads, or changes to federal, state, or local laws that result in new or modified fees or costs that are not within the retail electric provider's control.

(b) A retail electric provider shall provide a residential customer who has a fixed rate product with at least two written notices of the date the fixed rate product will expire. The notices must:

(1) be sent to the customer's billing address by mail at least once during each of the two consecutive billing cycles preceding the date the contract will expire;

(2) be sent to the customer's e-mail address, if

1 available to the provider, at least once during each of the two
2 consecutive billing cycles preceding the date the contract will
3 expire;

4 (3) include on the outside of the envelope in which the
5 notice is sent a statement that reads: "Important Notice: Your
6 Contract Will Expire Soon. See Enclosed."; and

7 (4) if included with a customer's bill, be printed on a
8 separate page that is immediately visible on opening the envelope.

9 (c) A retail electric provider shall include on each billing
10 statement the beginning and end date of the fixed price contract.

11 (d) A retail electric provider shall include a statement on
12 the front of the first page of a customer's bill, in at least
13 12-point type, that reads: "For more information about residential
14 electric service, please visit <http://www.powertochoose.org>." This
15 subsection expires September 1, 2011.

16 SECTION 2. The change in law made by this Act applies only
17 to a contract for retail electric service entered into or renewed on
18 or after the effective date of this Act. A contract for retail
19 electric service entered into or renewed before the effective date
20 of this Act is governed by the law as it existed immediately before
21 the effective date of this Act, and that law is continued in effect
22 for that purpose.

23 SECTION 3. This Act takes effect September 1, 2009.