

AN ACT

relating to electric service reliability measures.

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

SECTION 1. Section 38.005(b), Utilities Code, is amended to read as follows:

(b) The commission may ~~[shall]~~ take appropriate enforcement action under this section, including ~~[but not limited to]~~ action against a utility, if any of the utility's feeders ~~[feeder]~~ with 10 or more customers ~~[appears on the utility's list of worst 10 percent performing feeders for any two consecutive years or]~~ has had a SAIDI or SAIFI average that is more than 300 percent greater than the system average of all feeders during any two-year period, beginning in the year 2000. In determining the appropriate enforcement action, the commission shall consider:

(1) the feeder's operating and maintenance history;

(2) the cause of each interruption in the feeder's service;

(3) any action taken by a utility to address the feeder's performance;

(4) the estimated cost and benefit of remediating a feeder's performance; and

(5) any other relevant factor as determined by the commission.

SECTION 2. This Act takes effect immediately if it receives

H.B. No. 2052

1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2009.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2052 was passed by the House on April 17, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2052 was passed by the Senate on May 26, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor