

By: Thibaut

H.B. No. 3728

A BILL TO BE ENTITLED

AN ACT

relating to certain rates charged by retail electric providers.

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

SECTION 1. Subchapter E, Chapter 39, Utilities Code, is amended by adding Section 39.206 to read as follows:

Sec. 39.205 REGULATION OF PRICES FOR RETAIL ELECTRIC PROVIDERS. (a) This section may be cited as the "Texas Electric Residential Customer Protection Act of 2009."

(b) No retail electric provider shall charge any residential customer a rate, charge or price more than sixteen cents (\$0.16) per kilowatt hour without explicit authorization by the commission pursuant to this section.

(c) The commission shall have the authority to establish rules for the implementation of this section. Those rules shall, at a minimum, provide:

(1) that any rate, charge or price that exceeds the limits of this section for a residential customer shall be presumed to be unreasonable;

(2) that the retail electric provider shall have the burden of proof to demonstrate that the rate, charge or price is reasonable, if the retail electric provider proposes the change;

(3) that the Commission may, on its own motion investigate any rate, charge or price that exceeds the limits of this section and may order the retail electric provider to reduce

1 such rates, charges or prices to an amount not to exceed the limits
2 of this section unless the retail electric provider proves that
3 such rates, charges or prices are justified;

4 (d) Rates, charges or prices shall be governed by this
5 section until September 1, 2012.

6 SECTION 2. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2009.