

By: Turner of Harris

H.B. No. 3743

A BILL TO BE ENTITLED

AN ACT

relating to regulation of electric generation capacity ownership in the electric power market.

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

SECTION 1. Section 39.154 , Utilities Code, is amended by adding subsections (f)-(h) to read as follows:

(f) A power generation company or any entity that is affiliated with that power generation company who owns, controls, or owns and controls in any combination installed generation capacity located in or capable of delivering electricity to a power region as provided by Section 39.154 may not own, control, or own and control more than 15 percent of the total retail electric provider market of a power region.

(g) Not later than January 30, 2010 any power generation company or any entity that is affiliated with that power generation company subject to this section who is in violation of this section must begin a self initiated process or process set out by the commission to be in compliance with this section no later than January 30, 2011.

(h) the commission shall use any report and information required under section 39.155(a) to asses market power and compliance with this section.

(i) If necessary, not later than January 30, 2010 the commission shall adopt rules, procedures, or standards to enforce

1 and carry out this subsections (f)-(h).

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