

By: Crownover

H.B. No. 4309

A BILL TO BE ENTITLED

AN ACT

1  
2 relating a requirement for electric utilities to seek grants or  
3 loans related to the deployment of advanced meters and transmission  
4 for renewable energy.

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

6 SECTION 1. Section 39.107(h), Utilities Code, is amended to  
7 read as follows:

8 (h) The commission shall establish a nonbypassable  
9 surcharge for an electric utility or transmission and distribution  
10 utility to use to recover reasonable and necessary costs incurred  
11 in deploying advanced metering and meter information networks to  
12 residential customers and nonresidential customers other than  
13 those required by the independent system operator to have an  
14 interval data recorder meter. The commission shall ensure that the  
15 nonbypassable surcharge reflects a deployment of advanced meters  
16 that is no more than one-third of the utility's total meters over  
17 each calendar year and shall ensure that the nonbypassable  
18 surcharge does not result in the utility recovering more than its  
19 actual, fully allocated meter and meter information network costs.  
20 The expenses must be allocated to the customer classes receiving  
21 the services, based on the electric utility's most recently  
22 approved tariffs. An electric utility or transmission and  
23 distribution utility that deploys advanced meter and meter  
24 information networks shall seek to obtain and utilize funds,

1 including grants, loans, and loan guarantees, made available by the  
2 federal government if such funds would lower the overall cost of  
3 deployment. The commission shall reflect the funds obtained by the  
4 electric utility or transmission and distribution utility when  
5 establishing the surcharge required by this subsection, including  
6 timely ordering reductions to surcharges approved prior to the  
7 receipt of the funds.

8 SECTION 2. Section 39.904, Utilities Code, is amended by  
9 adding Subsection (h-1) to read as follows:

10 (h-1) An electric utility, transmission and distribution  
11 utility, or river authority that has been designated by the  
12 commission to construct transmission capacity pursuant to  
13 Subsection (g) shall seek to obtain and utilize funds, including  
14 grants, loans, and loan guarantees, made available by the federal  
15 government if such funds would lower the overall cost of  
16 construction. The commission shall reflect the funds obtained by  
17 the electric utility, transmission and distribution utility, or  
18 river authority when establishing or modifying the rates of the  
19 electric utility or transmission and distribution utility,  
20 including timely ordering reductions to rates approved prior to the  
21 receipt of the funds.

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