

By: Lucio III

H.B. No. 4645

A BILL TO BE ENTITLED

AN ACT

relating to the recovery of transmission costs imposed on electric cooperatives and certain utilities in ERCOT.

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

SECTION 1. Subchapter E, Chapter 36, Utilities Code, is amended by adding Section 36.210 to read as follows:

Sec. 36.210. RECOVERY BY ERCOT UTILITIES OF CERTAIN TRANSMISSION COSTS. (a) This section applies only to an electric utility, electric cooperative, or transmission and distribution utility within ERCOT that owns or operates distribution facilities.

(b) Notwithstanding Section 36.201, the commission shall:

(1) approve adjustments to retail delivery rates, which shall be made on March 1 and September 1 of each year, to permit an electric utility, electric cooperative, or transmission and distribution utility to fully recover the total amount of wholesale transmission costs imposed on it; and

(2) authorize an electric utility, electric cooperative, or transmission and distribution utility to utilize deferred accounting for the wholesale transmission costs imposed on it until the electric utility, electric cooperative, or transmission and distribution utility can recover such costs through the adjustments to retail delivery rates authorized by this section.

SECTION 2. This Act takes effect immediately if it receives

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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.