

By: Shapleigh

S.B. No. 211

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a requirement that an electric utility meet certain
3 energy efficiency goals before receiving a rate increase.

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

5 SECTION 1. Section 36.003, Utilities Code, is amended by
6 adding Subsection (b-1) to read as follows:

7 (b-1) Notwithstanding any other provision of this title, a
8 regulatory authority may not allow an electric utility to increase
9 the utility's rates unless the utility proves that the utility has
10 achieved each applicable energy efficiency goal prescribed by
11 Section 39.905. This subsection does not apply to a cost recovery
12 factor or nonbypassable fee authorized by this title.

13 SECTION 2. Section 36.052, Utilities Code, is amended to
14 read as follows:

15 Sec. 36.052. ESTABLISHING REASONABLE RETURN. In
16 establishing a reasonable return on invested capital, the
17 regulatory authority shall consider applicable factors, including:

18 (1) the efforts and achievements of the utility in
19 conserving resources, including whether the utility has exceeded
20 the energy efficiency goals prescribed by Section 39.905;

21 (2) the quality of the utility's services;

22 (3) the efficiency of the utility's operations; and

23 (4) the quality of the utility's management.

24 SECTION 3. This Act applies only to a rate proceeding in

1 which the Public Utility Commission of Texas has not issued a final
2 order before the effective date of this Act. A rate proceeding in
3 which the Public Utility Commission of Texas has issued a final
4 order before the effective date of this Act is governed by the law
5 in effect on the date the order was issued, and that law is
6 continued in effect for that purpose.

7 SECTION 4. This Act takes effect September 1, 2009.