

By: West

S.B. No. 428

A BILL TO BE ENTITLED

AN ACT

relating to the requirement that retail electric providers give notice to customers before permanently ceasing to operate.

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

SECTION 1. Subchapter C, Chapter 39, Utilities Code, is amended by adding Section 39.110 to read as follows:

Sec. 39.110. CUSTOMER NOTICE ON CESSATION OF OPERATION.

(a) A retail electric provider shall notify its customers not less than 30 days before the retail electric provider permanently ceases to operate. Notice under this section must:

(1) be made by mail and electronic mail; and

(2) inform the customer that failure to select a new retail electric provider before the customer's current provider ceases to operate will result in a transfer of the customer's electric service to a provider of last resort.

(b) The independent organization certified under Section 39.151 shall collect from each retail electric provider a list of the provider's customers and customer contact information and organize the information into a database. A retail electric provider shall update its customer contact list with the independent organization quarterly. The database shall include each customer's:

(1) name;

(2) mailing address;

1 (3) electronic mail address; and

2 (4) telephone number.

3 (c) The commission shall adopt rules as necessary to
4 implement this section.

5 SECTION 2. (a) The changes in law made by Section 39.110(a),
6 Utilities Code, as added by this Act, apply only to a retail
7 electric provider whose last day of operation is on or after October
8 1, 2009. A retail electric provider whose last day of operation is
9 before October 1, 2009, is subject to the law in effect on that
10 date, and that law is continued in effect for that purpose.

11 (b) Not later than February 1, 2010, the Electric
12 Reliability Council of Texas shall create the customer contact
13 information list database required by Section 39.110, Utilities
14 Code, as added by this Act.

15 SECTION 3. This Act takes effect September 1, 2009.