

By: Fraser

S.B. No. 1913

A BILL TO BE ENTITLED

AN ACT

relating to certificates of convenience and necessity.

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

SECTION 1. Sections 37.051(a), 37.053(a), 37.055, 37.057, and 37.151, Utilities Code, are amended to read as follows:

Sec. 37.051. CERTIFICATE REQUIRED. (a) A person~~[electric utility]~~ may not directly or indirectly provide service to the public under a franchise or permit unless the person~~[utility]~~ first obtains from the commission a certificate that states that the public convenience and necessity requires or will require the installation, operation, or extension of the service.

(d) A certificate may be granted to a person under this subsection for a facility used solely for the transmission of electricity.

Sec. 37.053. APPLICATION FOR CERTIFICATE. (a) A person ~~[An electric utility]~~ that wants to obtain or amend a certificate must submit an application to the commission.

Sec. 37.055. REQUEST FOR PRELIMINARY ORDER. (a) A person ~~[An electric utility]~~ that wants to exercise a right or privilege under a franchise or permit that the person ~~[utility]~~ anticipates obtaining but has not been granted may apply to the commission for a preliminary order under this section.

(b) The commission may issue a preliminary order declaring that the commission, on application and under commission rules,

1 will grant the requested certificate on terms the commission  
2 designates, after the person [~~electric utility~~] obtains the  
3 franchise or permit.

4 (c) The commission shall grant the certificate on  
5 presentation of evidence satisfactory to the commission that the  
6 person [~~electric utility~~] has obtained the franchise or permit.

7 Sec. 37.057. DEADLINE FOR APPLICATION FOR NEW TRANSMISSION  
8 FACILITY. The commission may grant a certificate for a new  
9 transmission facility to any qualified applicant that meets the  
10 requirements of this subchapter. The commission must approve or  
11 deny an application for a certificate for a new transmission  
12 facility not later than the first anniversary of the date the  
13 application is filed. If the commission does not approve or deny  
14 the application on or before that date, a party may seek a writ of  
15 mandamus in a district court of Travis County to compel the  
16 commission to decide on the application.

17 Sec. 37.151 PROVISION OF SERVICE.

18 Except as provided by this section, Section 37.152, and  
19 Section 37.153, a certificate holder, other than those granted a  
20 certificate pursuant to Section 37.051(d), shall:

21 (1) serve every consumer in the utility's  
22 certificated area; and

23 (2) provide continuous and adequate service  
24 in that area.

25 SECTION 2. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

S.B. No. 1913

1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2009.