

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 24, 2009**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB1772** by Fraser (Relating to the authority of the Public Utility Commission of Texas to address market power abuse, including the right to order restitution for violations. ),  
**Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would authorize the Public Utility Commission (PUC) to order a person to cease a practice that the commission finds is a market power abuse. The bill would authorize the PUC to order any person found to have committed market power abuse to refund entities directly affected by the abuse. In the case the commission determines refunds are appropriate, the PUC shall conduct a proceeding to determine the proper method of distributing the refunds to entities directly affected by the market power abuse. The bill would also authorize the intervention of the Office of Public Utility Counsel in any proceeding concerning market power abuse or market manipulation.

The Public Utility Commission anticipates any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 473 Public Utility Commission of Texas, 475 Office of Public Utility Counsel

**LBB Staff:** JOB, ES, JRO