

BILL ANALYSIS

S.B. 855
By: Duncan
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a utility provides a notice to a landowner affected by the construction or modification of a transmission line when the utility files its certificate of convenience and necessity application with the Public Utility Commission (PUC). The notice informs the landowner of the option of becoming a party to a contested case. Although the administrative process is adversarial, legal representation is not necessary. There is no entity charged with assisting pro se litigants with procedural matters. S.B. 855 seeks to address this issue by expanding the duties of the Office of Public Utility Counsel to allow that office to provide limited assistance to landowners participating in certificate of convenience and necessity application cases at the PUC.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 855 amends the Utilities Code to authorize the Office of Public Utility Counsel to advise persons who are interested parties, for purposes of notice and hearing with regard to an application for a certificate of convenience and necessity, on procedural matters related to proceedings before the Public Utility Commission of Texas (PUC) on an application for such a certificate. The bill requires the PUC to give notice of such application to the Office of Public Utility Counsel in addition to interested parties.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.