

AN ACT

relating to electric transmission facilities.

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

SECTION 1. Section 37.053, Utilities Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) The commission may not require the applicant to designate a preferred route for a proposed transmission line facility.

(d) For transmission facilities ordered or approved by the commission under Chapter 37 or 39, the rights extended to an electric corporation under Section 181.004 include all public land, except land owned by the state, on which the commission has approved the construction of the line. This subsection does not limit a municipality's rights or an electric utility's obligations under Chapter 33. Nothing in this subsection shall be interpreted to prevent a public entity from expressing a route preference in a proceeding under this chapter.

SECTION 2. (a) Section 37.056, Utilities Code, is amended by adding Subsection (d) to read as follows:

(d) The commission by rule shall establish criteria, in addition to the criteria described by Subsection (c), for granting a certificate for a transmission project that serves the ERCOT power region, that is not necessary to meet state or federal reliability standards, and that does not serve a competitive

1 renewable energy zone. The criteria must include a comparison of
2 the estimated cost of the transmission project and the estimated
3 cost savings that may result from the transmission project. The
4 commission shall include with its decision on an application for a
5 certificate to which this subsection applies findings on the
6 criteria.

7 (b) The change in law made by this section applies only to a
8 certificate application filed with the Public Utility Commission of
9 Texas on or after the effective date of this Act and to a
10 certificate application pending on the effective date of this Act.
11 A certificate application filed with the Public Utility Commission
12 of Texas before the effective date of this Act and not pending on
13 the effective date of this Act is subject to the law in effect on the
14 date the application is filed, and that law is continued in effect
15 for that purpose.

16 SECTION 3. The Public Utility Commission of Texas shall
17 adopt or revise rules under Section 37.053, Utilities Code, as
18 amended by this Act, before June 1, 2012.

19 SECTION 4. The change in law made by this Act to Section
20 37.053(c), Utilities Code, applies only to an application for a
21 certificate of convenience and necessity that is filed with the
22 Public Utility Commission of Texas on or after the effective date of
23 this Act. An application for a certificate of convenience and
24 necessity that was filed with the commission before the effective
25 date of this Act is governed by the law in effect on the date the
26 application was filed, and that law is continued in effect for that
27 purpose.

1 SECTION 5. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 971 was passed by the House on May 5, 2011, by the following vote: Yeas 146, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 971 on May 27, 2011, by the following vote: Yeas 138, Nays 0, 3 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 971 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor