

By: Oliveira

H.B. No. 3016

A BILL TO BE ENTITLED

AN ACT

relating to energy aggregation by counties in certain areas.

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

SECTION 1. Chapter 304, Local Government Code, is amended by adding Section 304.003 to read as follows:

Sec. 304.003. AGGREGATION BY COUNTIES FOR RESIDENTS OF COLONIAS. (a) In addition to the powers conferred by Section 304.002, a county may negotiate for the purchase of electricity and energy service, make contracts for the purchase of electricity and energy service, purchase electricity and energy service, or take any other action necessary to purchase electricity and energy service on behalf of the residents of a colonia in the county that has street lights the installation of which was enabled by financial assistance received under Section 487.354, Government Code. The county may purchase electricity or energy service from any entity, including a power generation company, retail electric provider, and municipally owned utility.

(b) The commissioners court of a county by order or resolution may provide for mandatory enrollment in the county's aggregation services for electric service customers who reside in a colonia described by Subsection (a) that, at the time of adoption of the order or resolution, is located in an area that has implemented customer choice as defined by Section 31.002, Utilities Code. After the adoption of the order or resolution, each electric

1 service customer who resides in the colonia must be enrolled in the
2 aggregation services to receive electric service. A colonia
3 resident may not opt out of enrollment. The commissioners court may
4 provide in the order or resolution for the colonia's electric
5 service customers to be billed for a share of the cost of
6 electricity used by the colonia's street lights described by
7 Subsection (a).

8 (c) Before the commissioners court of a county adopts an
9 order or resolution under Subsection (b), the commissioners court
10 must hold a public hearing in the colonia to receive public comments
11 from colonia residents and to provide information to the residents
12 about the proposed mandatory enrollment program. If the
13 commissioners court provides for mandatory enrollment in
14 aggregation services, the county shall send a 60-day written notice
15 by mail to each electric service customer who must be enrolled.

16 (d) Each retail electric provider and transmission and
17 distribution utility shall provide to a county any information the
18 county considers necessary to solicit or administer an aggregation
19 program under this section, including the name, address, electric
20 service identifier, and monthly usage of each residential customer
21 who resides in the colonia. The consent of a customer may not be
22 required as a condition of providing information to a county under
23 this subsection. The county may provide to a third party or an
24 aggregator information received under this subsection, but only for
25 the purpose of bidding on, implementing, or administering the
26 aggregation program.

27 (e) This section is not intended to abrogate an electric

1 service contract between a resident of a county and a competitive
2 retail electric provider. A resident who takes power from retail
3 electric providers under a contract as of the date the order or
4 resolution is adopted may not be enrolled in the aggregation
5 program until expiration of the contract.

6 (f) A county may not profit from the creation or
7 implementation of an aggregation program created under this
8 section. All savings attributable to the aggregation program shall
9 be directed to participants who reside in the colonia, except that a
10 county may recover its actual administrative costs.

11 (g) A county may contract with a third party or another
12 aggregator to administer the aggregation of electricity and energy
13 service purchased under Subsection (a).

14 (h) Notwithstanding Section 40.054, Utilities Code, and to
15 the extent of a conflict between this section and Subtitle B, Title
16 2, Utilities Code, this section prevails.

17 SECTION 2. This Act takes effect September 1, 2011.