

By: Taylor of Galveston

H.B. No. 3407

A BILL TO BE ENTITLED

AN ACT

relating to the recovery through gas utility rates of expenses related to a rate proceeding.

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

SECTION 1. Subchapter B, Chapter 104, Utilities Code, is amended by adding Section 104.059 to read as follows:

Sec. 104.059. RECOVERY OF RATE PROCEEDING EXPENSES PROHIBITED. (a) In establishing a gas utility's rates, the regulatory authority may not allow the utility to recover through its rates the attorney's fees or other expenses incurred by any party in a rate proceeding conducted under this chapter or in an appeal of a rate proceeding.

(b) A court may not award to a party the right to recover through a gas utility's rates the attorney's fees or other expenses incurred by any party in a rate proceeding conducted under this chapter or in an appeal of a rate proceeding.

SECTION 2. The change in law made by Section 104.059, Utilities Code, as added by this Act, applies only to a rate proceeding for which a statement of intent is filed under Section 104.102, Utilities Code, or for which a regulatory authority serves notice on a gas utility under Section 104.151, Utilities Code, on or after the effective date of this Act. A rate proceeding for which a statement of intent is filed under Section 104.102, Utilities Code, or for which a regulatory authority serves notice on a gas utility

1 under Section 104.151, Utilities Code, before the effective date of
2 this Act is governed by the law in effect when the statement of
3 intent was filed or notice was served, and that law is continued in
4 effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2011.