

AN ACT

relating to assistance provided by the Office of Public Utility Counsel to interested parties on certain electricity matters involving certificates of convenience and necessity.

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

SECTION 1. Subsection (a), Section 13.003, Utilities Code, is amended to read as follows:

(a) The office:

(1) shall assess the effect of utility rate changes and other regulatory actions on residential consumers in this state;

(2) shall advocate in the office's own name a position determined by the counsellor to be most advantageous to a substantial number of residential consumers;

(3) may appear or intervene, as a party or otherwise, as a matter of right on behalf of:

(A) residential consumers, as a class, in any proceeding before the commission, including an alternative dispute resolution proceeding; and

(B) small commercial consumers, as a class, in any proceeding in which the counsellor determines that small commercial consumers are in need of representation, including an alternative dispute resolution proceeding;

(4) may initiate or intervene as a matter of right or

otherwise appear in a judicial proceeding:

(A) that involves an action taken by an administrative agency in a proceeding, including an alternative dispute resolution proceeding, in which the counsellor is authorized to appear; or

(B) in which the counsellor determines that residential electricity consumers or small commercial electricity consumers are in need of representation;

(5) is entitled to the same access as a party, other than commission staff, to records gathered by the commission under Section 14.204;

(6) is entitled to discovery of any nonprivileged matter that is relevant to the subject matter of a proceeding or petition before the commission;

(7) may represent an individual residential or small commercial consumer with respect to the consumer's disputed complaint concerning utility services that is unresolved before the commission; ~~and~~

(8) may recommend legislation to the legislature that the office determines would positively affect the interests of residential and small commercial consumers; and

(9) may advise persons who are interested parties for purposes of Section 37.054 on procedural matters related to proceedings before the commission on an application for a certificate of convenience and necessity filed under Section 37.053.

SECTION 2. Subsection (a), Section 37.054, Utilities Code,

1 is amended to read as follows:

2 (a) When an application for a certificate is filed, the  
3 commission shall:

4 (1) give notice of the application to interested  
5 parties and to the office; and

6 (2) if requested:

7 (A) set a time and place for a hearing; and

8 (B) give notice of the hearing.

9 SECTION 3. The change in law made by this Act to Section  
10 37.054, Utilities Code, applies only to an application for a  
11 certificate of convenience and necessity filed on or after the  
12 effective date of this Act. An application for a certificate of  
13 convenience and necessity filed before the effective date of this  
14 Act is governed by the law in effect at the time the application was  
15 filed, and the former law is continued in effect for that purpose.

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

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President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 855 passed the Senate on March 31, 2011, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 855 passed the House on May 23, 2011, by the following vote: Yeas 142, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor