

By: Duncan
(Hilderbran)

S.B. No. 855

A BILL TO BE ENTITLED

AN ACT

1
2 relating to assistance provided by the Office of Public Utility
3 Counsel to interested parties on certain electricity matters
4 involving certificates of convenience and necessity.

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

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

8 (a) The office:

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

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

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

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

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

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

1 otherwise appear in a judicial proceeding:

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

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

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

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

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

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

22 (9) may advise persons who are interested parties for
23 purposes of Section 37.054 on procedural matters related to
24 proceedings before the commission on an application for a
25 certificate of convenience and necessity filed under Section
26 37.053.

27 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.