1   AN ACT

2 relating to requiring certain non-ERCOT utilities to comply with

3 energy efficiency goals.

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

5   SECTION 1. Subsection (a), Section 39.402, Utilities Code,

6 is amended to read as follows:

7   (a) Until the [later of January 1, 2007, or the] date on

8 which an electric utility subject to this subchapter is authorized

9 by the commission to implement customer choice, the rates of the

10 utility shall be regulated under traditional cost of service

11 regulation and the utility is subject to all applicable regulatory

12 authority prescribed by this subtitle and Subtitle A, including

13 Chapters 14, 32, 33, 36, and 37. Until the date on which an electric

14 utility subject to this subchapter implements customer choice, the

15 provisions of this chapter, other than this subchapter, Sections

16 [Section] 39.904 and 39.905, and the provisions relating to the

17 duty to obtain a permit from the Texas [Natural Resource

18 Conservation] Commission on Environmental Quality for an electric

19 generating facility and to reduce emissions from an electric

20 generating facility, shall not apply to that utility. That portion

21 of any commission order entered before September 1, 2001, to comply

22 with this subchapter shall be null and void.

23   SECTION 2. This Act takes effect immediately if it receives

24 a vote of two-thirds of all the members elected to each house, as

S.B. No. 1150

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2011.

_____   _____
        President of the Senate   Speaker of the House

     I hereby certify that S.B. No. 1150 passed the Senate on
April 4, 2011, by the following vote: Yeas 31, Nays 0.

                                        _____
                                               Secretary of the Senate

     I hereby certify that S.B. No. 1150 passed the House on
May 13, 2011, by the following vote: Yeas 143, Nays 1, one
present not voting.

                                        _____
                                               Chief Clerk of the House

Approved:

_____
            Date

_____
            Governor