

AN ACT

relating to the authority of the Public Utility Commission of Texas to participate in certain proceedings before the Federal Energy Regulatory Commission.

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

SECTION 1. Subchapter J, Chapter 39, Utilities Code, is amended by adding Section 39.4525 to read as follows:

Sec. 39.4525. HIRING ASSISTANCE FOR FEDERAL PROCEEDINGS.

(a) The commission may retain any consultant, accountant, auditor, engineer, or attorney the commission considers necessary to represent the commission in a proceeding before the Federal Energy Regulatory Commission, or before a court reviewing proceedings of that federal commission, related to:

(1) the relationship of an electric utility subject to this subchapter to a power region, regional transmission organization, or independent system operator; or

(2) the approval of an agreement among the electric utility and the electric utility's affiliates concerning the coordination of the operations of the electric utility and the electric utility's affiliates.

(b) Assistance for which a consultant, accountant, auditor, engineer, or attorney may be retained under Subsection (a) may include:

(1) conducting a study;

1 (2) conducting an investigation;

2 (3) presenting evidence;

3 (4) advising the commission; or

4 (5) representing the commission.

5 (c) The electric utility shall pay timely the reasonable
6 costs of the services of a person retained under Subsection (a), as
7 determined by the commission. The total costs an electric utility
8 is required to pay under this subsection may not exceed \$1.5 million
9 in a 12-month period.

10 (d) The commission shall allow the electric utility to
11 recover both the total costs the electric utility paid under
12 Subsection (c) and the carrying charges for those costs through a
13 rider established annually to recover the costs paid and carrying
14 charges incurred during the preceding calendar year. The rider may
15 not be implemented before the rider is reviewed and approved by the
16 commission.

17 (e) The commission shall consult the attorney general
18 before the commission retains a consultant, accountant, auditor, or
19 engineer under Subsection (a). The retention of an attorney under
20 Subsection (a) is subject to the approval of the attorney general
21 under Section 402.0212, Government Code.

22 (f) The commission shall be precluded from engaging any
23 individual who is required to register under Section 305.003,
24 Government Code.

25 (g) This section expires December 31, 2017.

26 SECTION 2. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

S.B. No. 1153

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. 1153 passed the Senate on April 7, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 9, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1153 passed the House, with amendments, on May 5, 2011, by the following vote: Yeas 146, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor