

By: Williams  
(Ritter)

S.B. No. 1153

A BILL TO BE ENTITLED

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) This section expires December 31, 2017.

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