

By: Williams

S.B. No. 1153

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of the Public Utility Commission of Texas  
3 regarding an electric utility's membership in or control by a  
4 regional transmission organization or independent system operator  
5 and to participate in certain proceedings before the Federal Energy  
6 Regulatory Commission regarding an electric utility's membership  
7 in a power region, regional transmission organization, or  
8 independent system operator.

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

10 SECTION 1. Subchapter J, Chapter 39, Utilities Code, is  
11 amended by adding Sections 39.4525 and 39.4526 to read as follows:

12 Sec. 39.4525. COMMISSION ORDER. (a) Notwithstanding any  
13 other provision of this chapter, the commission may order an  
14 electric utility subject to this subchapter to interact with, join,  
15 or submit to the operational control of a regional transmission  
16 organization or independent system operator.

17 (b) This section expires December 31, 2017.

18 Sec. 39.4526. HIRING ASSISTANCE FOR FEDERAL PROCEEDINGS.

19 (a) The commission may engage any consultant, accountant, auditor,  
20 engineer, or attorney the commission considers necessary to assist  
21 the commission in a proceeding before the Federal Energy Regulatory  
22 Commission, or before a court reviewing proceedings before the  
23 federal commission, related to:

24 (1) the relationship of an electric utility subject to

1 this subchapter to a power region, regional transmission  
2 organization, or independent system operator; or

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

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

- 10 (1) conducting a study;  
11 (2) conducting an investigation;  
12 (3) presenting evidence;  
13 (4) advising the commission; or  
14 (5) representing the commission.

15 (c) The electric utility shall reimburse the commission for  
16 the reasonable costs of the services of a person engaged under  
17 Subsection (a). The total amount of reimbursement required under  
18 this subsection may not exceed \$1.5 million in a 12-month period.

19 (d) The commission shall allow the electric utility to  
20 recover both the total amount the electric utility paid to  
21 reimburse the commission under Subsection (c) and the carrying  
22 charges for that reimbursement through a rider established annually  
23 to recover the reimbursements paid and carrying charges incurred  
24 during the preceding calendar year.

25 (e) The commission shall consult the attorney general  
26 before the commission engages a consultant, accountant, auditor, or  
27 engineer under Subsection (a). The engagement of an attorney under

1 Subsection (a) is subject to the approval of the attorney general  
2 under Section 402.0212, Government Code.

3 (f) This section expires December 31, 2017.

4 SECTION 2. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2011.