

1-1 By: Williams S.B. No. 1153
1-2 (In the Senate - Filed March 4, 2011; March 16, 2011, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 4, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 4, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1153 By: Eltife

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the authority of the Public Utility Commission of Texas
1-11 to participate in certain proceedings before the Federal Energy
1-12 Regulatory Commission.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter J, Chapter 39, Utilities Code, is
1-15 amended by adding Section 39.4525 to read as follows:

1-16 Sec. 39.4525. HIRING ASSISTANCE FOR FEDERAL PROCEEDINGS.

1-17 (a) The commission may retain any consultant, accountant,
1-18 auditor, engineer, or attorney the commission considers necessary
1-19 to represent the commission in a proceeding before the Federal
1-20 Energy Regulatory Commission, or before a court reviewing
1-21 proceedings of that federal commission, related to:

1-22 (1) the relationship of an electric utility subject to
1-23 this subchapter to a power region, regional transmission
1-24 organization, or independent system operator; or

1-25 (2) the approval of an agreement among the electric
1-26 utility and the electric utility's affiliates concerning the
1-27 coordination of the operations of the electric utility and the
1-28 electric utility's affiliates.

1-29 (b) Assistance for which a consultant, accountant, auditor,
1-30 engineer, or attorney may be retained under Subsection (a) may
1-31 include:

- 1-32 (1) conducting a study;
1-33 (2) conducting an investigation;
1-34 (3) presenting evidence;
1-35 (4) advising the commission; or
1-36 (5) representing the commission.

1-37 (c) The electric utility shall pay timely the reasonable
1-38 costs of the services of a person retained under Subsection (a), as
1-39 determined by the commission. The total costs an electric utility
1-40 is required to pay under this subsection may not exceed \$1.5 million
1-41 in a 12-month period.

1-42 (d) The commission shall allow the electric utility to
1-43 recover both the total costs the electric utility paid under
1-44 Subsection (c) and the carrying charges for those costs through a
1-45 rider established annually to recover the costs paid and carrying
1-46 charges incurred during the preceding calendar year. The rider may
1-47 not be implemented before the rider is reviewed and approved by the
1-48 commission.

1-49 (e) The commission shall consult the attorney general
1-50 before the commission retains a consultant, accountant, auditor, or
1-51 engineer under Subsection (a). The retention of an attorney under
1-52 Subsection (a) is subject to the approval of the attorney general
1-53 under Section 402.0212, Government Code.

1-54 (f) This section expires December 31, 2017.

1-55 SECTION 2. This Act takes effect immediately if it receives
1-56 a vote of two-thirds of all the members elected to each house, as
1-57 provided by Section 39, Article III, Texas Constitution. If this
1-58 Act does not receive the vote necessary for immediate effect, this
1-59 Act takes effect September 1, 2011.

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