

SENATE AMENDMENTS

2nd Printing

By: King of Parker, Geren, Hilderbran

H.B. No. 971

A BILL TO BE ENTITLED

AN ACT

1

2 relating to removal of the requirement that an electric utility
3 designate a preferred route for a transmission line in an
4 application for a certificate of convenience and necessity.

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

6 SECTION 1. Section 37.053, Utilities Code, is amended by
7 adding Subsection (c) to read as follows:

8 (c) The commission may not require the applicant to
9 designate a preferred route for a proposed transmission line
10 facility.

11 SECTION 2. The Public Utility Commission of Texas shall
12 adopt or revise rules under Section 37.053, Utilities Code, as
13 amended by this Act, before June 1, 2012.

14 SECTION 3. This Act applies only to an application for a
15 certificate of convenience and necessity that is filed with the
16 Public Utility Commission of Texas on or after the effective date of
17 this Act. An application for a certificate of convenience and
18 necessity that was filed with the commission before the effective
19 date of this Act is governed by the law in effect on the date the
20 application was filed, and that law is continued in effect for that
21 purpose.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 971

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2011.

ADOPTED

MAY 24 2011

FLOOR AMENDMENT NO. 1

BY: Frost

Atty. Gen.
Secretary of the Senate

1 Amend Committee Amendment No.1 to H.B. 971 (Committee
2 report) as follows:

3 (1) On page 1, lines 16-19, in added Section 37.053(d),
4 strike "to mitigate market power in accordance with
5 Section 39.157(a), address reliability needs, or to
6 otherwise ensure the competitiveness of electricity
7 markets in this state".

8 (2) On page 1, line 20, in added Section 37.053(d), strike
9 "extend to all public and private land" and substitute
10 "include all public land, except land owned by the
11 state,".

12 (3) On page 1, line 23, in added Section 37.053(d), after
13 ".", insert "Nothing in this subsection shall be
14 interpreted to prevent a public entity from expressing
15 a route preference in a proceeding under this
16 chapter."

ADOPTED

MAY 24 2011

FLOOR AMENDMENT NO.


Secretary of the Senate

BY:



1 Amend H.B. 971 (senate committee report) by adding the
2 following appropriately numbered SECTION and renumbering the
3 subsequent SECTIONS of the bill accordingly:

4 SECTION _____. (a) Section 37.056, Utilities Code, is
5 amended by adding Subsection (d) to read as follows:

6 (d) The commission by rule shall establish criteria, in
7 addition to the criteria described by Subsection (c), for
8 granting a certificate for a transmission project that serves
9 the ERCOT power region, that is not necessary to meet state or
10 federal reliability standards, and that does not serve a
11 competitive renewable energy zone. The criteria must include a
12 comparison of the estimated cost of the transmission project and
13 the estimated cost savings that may result from the transmission
14 project. The commission shall include with its decision on an
15 application for a certificate to which this subsection applies
16 findings on the criteria.

17 (b) The change in law made by this section applies only to
18 a certificate application filed with the Public Utility
19 Commission of Texas on or after the effective date of this Act
20 and to a certificate application pending on the effective date
21 of this Act. A certificate application filed with the Public
22 Utility Commission of Texas before the effective date of this
23 Act and not pending on the effective date of this Act is subject
24 to the law in effect on the date the application is filed, and
25 that law is continued in effect for that purpose.
26

ADOPTED

COMMITTEE AMENDMENT NO. 1

BY: Fraser

MAY 24 2011

As Amended
Patay Paul
Secretary of the Senate

Saulson

Amend H.B. 971 as follows:

(1) In SECTION 1 of the bill, in the introductory language (page 1, line 7), between "(c)" and "to" insert "and Subsection (d)".

(2) In SECTION 1 of the bill, in amended Section 37.053, Utilities Code (page 1, between lines 10 and 11), insert the following:

(d) For transmission facilities ordered or approved by the commission under Chapters 37 or 39 to mitigate market power in accordance with Section 39.157(a), address reliability needs, or to otherwise ensure the competitiveness of electricity markets in this state, the rights extended to an electric corporation under Section 181.004 extend to all public and private land on which the commission has approved the construction of the line. This subsection does not limit a municipality's rights or an electric utility's obligations under Chapter 33.

(3) In SECTION 3 of the bill (page 1, line 14), strike "This Act" and substitute "The change in law made by this Act to Section 37.053(c), Utilities Code,".

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 25, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB971 by King, Phil (Relating to removal of the requirement that an electric utility designate a preferred route for a transmission line in an application for a certificate of convenience and necessity.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Utilities Code relating to the removal of the requirement that an electric utility designate a preferred route for a transmission line in an application for a certificate of convenience and necessity.

Based on the analysis of the Public Utility Commission, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 473 Public Utility Commission of Texas

LBB Staff: JOB, AG, RAN

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 21, 2011

TO: Honorable John Carona, Chair, Senate Committee on Business & Commerce

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB971 by King, Phil (Relating to removal of the requirement that an electric utility designate a preferred route for a transmission line in an application for a certificate of convenience and necessity.), **Committee Report 2nd House, As Amended**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 473 Public Utility Commission of Texas

LBB Staff: JOB, AG, KJG, RAN

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 20, 2011

TO: Honorable John Carona, Chair, Senate Committee on Business & Commerce

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB971 by King, Phil (Relating to removal of the requirement that an electric utility designate a preferred route for a transmission line in an application for a certificate of convenience and necessity.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 473 Public Utility Commission of Texas

LBB Staff: JOB, AG, KJG, RAN

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 4, 2011

TO: Honorable Byron Cook, Chair, House Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB971 by King, Phil (Relating to removal of the requirement that an electric utility designate a preferred route for a transmission line in an application for a certificate of convenience and necessity.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 473 Public Utility Commission of Texas

LBB Staff: JOB, KJG, RAN