

House Bill 971
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

No equivalent provision.

SENATE VERSION (IE)

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

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

(d) For transmission facilities ordered or approved by the commission under Chapters 37 or 39, the rights extended to an electric corporation under Section 181.004 include all public land, except land owned by the state, 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. Nothing in this subsection shall be interpreted to prevent a public entity from expressing a route preference in a proceeding under this chapter. [CA1(1),(2); FA1(1),(2),(3)]

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

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

(b) The change in law made by this section applies only to a certificate application filed with the Public Utility

CONFERENCE

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HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Commission of Texas on or after the effective date of this Act and to a certificate application pending on the effective date of this Act. A certificate application filed with the Public Utility Commission of Texas before the effective date of this Act and not pending on the effective date of this Act is subject to the law in effect on the date the application is filed, and that law is continued in effect for that purpose. [FA2]

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

SECTION 2. Same as House version.

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

SECTION 3. The change in law made by this Act to Section 37.053(c), Utilities Code, applies only to an application for a certificate of convenience and necessity that is filed with the Public Utility Commission of Texas on or after the effective date of this Act. An application for a certificate of convenience and necessity that was filed with the commission before the effective date of this Act is governed by the law in effect on the date the application was filed, and that law is continued in effect for that purpose. [CA1(3)]

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

SECTION 4. Same as House version.