

BILL ANALYSIS

S.B. 349
By: Nichols
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Both electric transmission and electric distribution lines in Texas are currently required to be constructed with clearance heights that meet the standards of the national electrical safety code. In addition, state law requires a specific clearance height of 22 feet for certain transmission lines only. Interested parties assert that for decades electric utilities, co-ops, and municipally owned utilities have followed both of these requirements. However, a recent Texas court decision applied the 22-foot transmission line clearance standard to certain distribution lines as well, putting tens of thousands of miles of distribution lines in jeopardy of being viewed as non-compliant.

S.B. 349 seeks to provide for the continued safe and reliable operation of the state's electrical system without costly rate hikes to customers by clarifying terms and the applicability of each requirement.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 349 amends the Utilities Code to define, for purposes of provisions relating to miscellaneous powers and duties of utilities applying to electric utilities, "distribution line" to mean a power line operated below 60,000 volts when measured phase to phase and "transmission line" to mean a power line operated at 60,000 volts or more when measured phase to phase. The bill clarifies that a municipal electric utility and, with regard to clearances, an electric utility that is not a municipal electric utility are required to construct, operate, and maintain their respective transmission lines and distribution lines along highways and at other places in accordance with the national electrical safety code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.