

By: Farrar

H.B. No. 3760

A BILL TO BE ENTITLED

AN ACT

relating to advanced meter deployment.

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

SECTION 1. Sec. 39.107 of the Utilities Code is amended to read as follows:

METERING AND BILLING SERVICES. (a) On introduction of customer choice in a service area, metering services for the area shall continue to be provided by the transmission and distribution utility affiliate of the electric utility that was serving the area before the introduction of customer choice. Metering services provided to commercial and industrial customers that are required by the independent system operator to have an interval data recorder meter may be provided on a competitive basis.

(b) Metering services provided to residential customers and to nonresidential customers other than those required by the independent system operator to have an interval data recorder meter shall continue to be provided by the transmission and distribution utility affiliate of the electric utility that was serving the area before the introduction of customer choice. Retail electric providers serving residential and nonresidential customers other than those required by the independent system operator to have an interval data recorder meter may request that the transmission and distribution utility provide specialized meters, meter features, or add-on accessories so long as they are technically feasible and

1 generally available in the market and provided that the retail
2 electric provider pays the differential cost of such a meter or
3 accessory. Metering and billing services provided to residential
4 customers shall be governed by the customer safeguards adopted by
5 the commission under Section 39.101. All meter data, including all
6 data generated, provided, or otherwise made available, by advanced
7 meters and meter information networks, shall belong to a customer,
8 including data used to calculate charges for service, historical
9 load data, and any other proprietary customer information. A
10 customer may authorize its data to be provided to one or more retail
11 electric providers under rules and charges established by the
12 commission.

13 (c) Beginning on the date of introduction of customer choice
14 in a service area, tenants of leased or rented property that is
15 separately metered shall have the right to choose a retail electric
16 provider, an electric cooperative offering customer choice, or a
17 municipally owned utility offering customer choice, and the owner
18 of the property must grant reasonable and nondiscriminatory access
19 to transmission and distribution utilities, retail electric
20 providers, electric cooperatives, and municipally owned utilities
21 for metering purposes.

22 (d) Beginning on the date of introduction of customer choice
23 in a service area, a transmission and distribution utility, or an
24 electric cooperative or municipally owned utility providing the
25 customer's energy requirements shall bill a customer's retail
26 electric provider for nonbypassable delivery charges as determined
27 under Section 39.201. The retail electric provider or the electric

1 cooperative or municipally owned utility, as appropriate, must pay
2 these charges.

3 (e) A transmission and distribution utility may bill retail
4 customers at the request of a retail electric provider or, if an
5 electric cooperative or municipally owned utility is providing the
6 customer's energy requirements, at the request of the electric
7 cooperative or municipally owned utility. A transmission and
8 distribution utility that provides billing service on such request
9 shall offer billing service on comparable terms and conditions to
10 those of any such requesting retail electric provider or, as
11 applicable, the electric cooperative or municipally owned utility
12 providing energy requirements to a customer served by the
13 transmission and distribution utility.

14 (f) Beginning on the date of introduction of customer choice
15 in a service area, any charges for metering and billing services
16 shall comply with rules adopted by the commission relating to
17 nondiscriminatory rates of service.

18 (g) Metered electric service sold to residential customers
19 on a prepaid basis may not be sold at a price that is higher than the
20 price charged by the provider of last resort.

21 (h) The commission shall establish a nonbypassable
22 surcharge for an electric utility, municipally owned utility,
23 electric cooperative, or transmission and distribution utility to
24 use to recover reasonable and necessary costs incurred in deploying
25 advanced metering and meter information networks to residential
26 customers and nonresidential customers other than those required by
27 the independent system operator to have an interval data recorder

1 meter. The commission shall ensure that the nonbypassable surcharge
2 reflects a deployment of advanced meters that is no more than
3 one-third of the utility's or the cooperative's total meters over
4 each calendar year and shall ensure that the nonbypassable
5 surcharge does not result in the utility or cooperative recovering
6 more than its actual, fully allocated meter and meter information
7 network costs. The expenses must be allocated to the customer
8 classes receiving the services, based on the electric utility's
9 most recently approved tariffs.

10 (i) Subject to the restrictions in Subsection (h), it is the
11 intent of the legislature that net metering and advanced meter
12 information networks be deployed by electric utilities,
13 municipally owned utilities, electric cooperatives, and
14 transmission and distribution utilities as rapidly as possible to
15 allow customers to better manage energy use and control costs, and
16 to facilitate demand response initiatives.

17 (j) Notwithstanding Subsection (b), a nonresidential
18 customer may have a meter installed and metering services provided
19 on a competitive basis as part of an energy savings performance
20 contract.

21 SECTION 2. This act take effect September 1, 2013.