

By: Williams, et al.

S.B. No. 1655

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the Public Utility Commission of Texas to direct the comptroller to return the unappropriated balance of the system benefit fund to retail electric customers.

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

SECTION 1. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.9039 to read as follows:

Sec. 39.9039. DISBURSEMENT OF SYSTEM BENEFIT FUND BALANCE.

(a) After consultation with the comptroller, the commission by rule shall establish a system for transmission and distribution utilities, retail electric providers, municipally owned utilities, or electric cooperatives to credit retail electric customers' bills in amounts necessary to expend as fully as practicable the appropriated balance of the system benefit fund transferred to a special fund outside of the general revenue fund by Section 30, Article VIII, Texas Constitution, in accordance with this section.

(b) The commission shall direct the comptroller to disburse as much as practicable of the balance described by Subsection (a) as soon as practicable and before September 1, 2014, in one or more installments to transmission and distribution utilities, retail electric providers, municipally owned utilities, or electric cooperatives under the system established under Subsection (a) so that each entity receives an amount necessary to give each retail electric customer that has customer choice an equal credit so that

1 the total of the credits equals the total amount disbursed.

2 (c) The commission by rule shall require each entity
3 receiving disbursements under this section to ensure that retail
4 electric customers that have customer choice, through one or more
5 billings for electric services between the time the entity receives
6 a disbursement under this section and August 31, 2014, each receive
7 equal credits that, in the aggregate, equal the amount of the
8 disbursements received under this section, less a reasonable amount
9 to reimburse the entity for administering this section as
10 established by the commission in an amount not to exceed two percent
11 of the disbursements. The commission by rule shall ensure that the
12 customer is provided, with the customer's bill, notice that the
13 refund of the system benefit fund fee is "provided by the Texas
14 Legislature."

15 (d) The comptroller and commission jointly shall issue a
16 report on the progress made in developing and implementing the
17 system required to be established by Subsection (a), and in
18 disbursing the amount appropriated from the system benefit fund
19 through that system, not later than December 15, 2014. The report
20 issued under this subsection must be presented in writing to the
21 governor, the lieutenant governor, the speaker of the house of
22 representatives, and the standing committees of the senate and
23 house of representatives having primary jurisdiction over electric
24 utilities.

25 (e) The comptroller on September 1, 2014, shall deposit to
26 the credit of the system benefit fund any undisbursed balance of the
27 special fund.

1 (f) This section expires September 1, 2015.

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2013.