

By: Keffer

H.B. No. 3288

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to regulation of congestion charges in the electricity  
3 market.

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

5 SECTION 1. Section 13.003(a), Utilities Code, is amended to  
6 read as follows:

7 (a) The office:

8 (1) shall assess the effect of utility rate changes  
9 and other regulatory actions on residential consumers in this  
10 state;

11 (2) shall advocate in the office's own name a position  
12 determined by the counsellor to be most advantageous to a  
13 substantial number of residential consumers;

14 (3) may appear or intervene, as a party or otherwise,  
15 as a matter of right on behalf of:

16 (A) residential consumers, as a class, in any  
17 proceeding before the commission, including an alternative dispute  
18 resolution proceeding; and

19 (B) small commercial consumers, as a class, in  
20 any proceeding in which the counsellor determines that small  
21 commercial consumers are in need of representation, including an  
22 alternative dispute resolution proceeding;

23 (4) may initiate or intervene as a matter of right or  
24 otherwise appear in a judicial proceeding:

1 (A) that involves an action taken by an  
2 administrative agency in a proceeding, including an alternative  
3 dispute resolution proceeding, in which the counsellor is  
4 authorized to appear; or

5 (B) in which the counsellor determines that  
6 residential electricity consumers or small commercial electricity  
7 consumers are in need of representation;

8 (5) is entitled to the same access as a party, other  
9 than commission staff, to records gathered by the commission under  
10 Section 14.204;

11 (6) is entitled to discovery of any nonprivileged  
12 matter that is relevant to the subject matter of a proceeding or  
13 petition before the commission;

14 (7) may represent an individual residential or small  
15 commercial consumer with respect to the consumer's disputed  
16 complaint concerning utility services that is unresolved before the  
17 commission;

18 (8) may recommend legislation to the legislature that  
19 the office determines would positively affect the interests of  
20 residential and small commercial consumers; ~~and~~

21 (9) may advise persons who are interested parties for  
22 purposes of Section 37.054 on procedural matters related to  
23 proceedings before the commission on an application for a  
24 certificate of convenience and necessity filed under Section  
25 37.053; and

26 (10) shall advocate for the allocation of congestion  
27 charges in a power region to ensure timely upgrades and development

1 of sufficient transmission and distribution systems designed to  
2 provide for congestion relief.

3 SECTION 2. Section 39.001, Utilities Code, is amended by  
4 amending Subsection (a) and adding Subsections (d-1) and (d-2) to  
5 read as follows:

6 (a) The legislature finds that the production and sale of  
7 electricity is not a monopoly warranting regulation of rates,  
8 operations, and services and that the public interest in  
9 competitive electric markets requires that, except for  
10 transmission and distribution services and for the recovery of  
11 stranded costs, electric services, congestion charges, and the  
12 [their] prices of electric services and congestion charges should  
13 be determined by customer choices and the normal forces of  
14 competition. As a result, this chapter is enacted to protect the  
15 public interest during the transition to and in the establishment  
16 of a fully competitive electric power industry.

17 (d-1) The legislature finds that congestion charges impede  
18 fair competition for all retail customer classes, do not protect  
19 the public interest, disrupt competitive energy services in certain  
20 power regions, and arbitrarily discriminate against certain  
21 consumers based on their geographic location.

22 (d-2) A regulatory authority, other than the governing body  
23 of a municipally owned electric utility that has not opted for  
24 customer choice or the body vested with the power to manage and  
25 operate a municipally owned electric utility that has not opted for  
26 customer choice, shall ensure that the rules it adopts and the  
27 orders it issues are designed to:

1           (1) correct the disruptive effects congestion charges  
2 have on the competitive market; and

3           (2) impose the least impairment to competition  
4 practicable.

5           SECTION 3. This Act takes effect September 1, 2015.