

By: Fraser

S.B. No. 932

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Public Utility Commission of Texas to retain assistance for federal proceedings affecting certain electric utilities and consumers.

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

SECTION 1. Subchapter I, Chapter 39, Utilities Code, is amended by adding Section 39.408 to read as follows:

Sec. 39.408. HIRING ASSISTANCE FOR FEDERAL PROCEEDINGS.

(a) The commission may retain any consultant, accountant, auditor, engineer, or attorney the commission considers necessary to represent the commission in a proceeding before the Federal Energy Regulatory Commission, or before a court reviewing proceedings of that federal commission, related to:

(1) the relationship of an electric utility subject to this subchapter to a power region, regional transmission organization, or independent system operator;

(2) the approval of an agreement among the electric utility and the electric utility's affiliates concerning the coordination of the operations of the electric utility and the electric utility's affiliates; or

(3) other matters related to the electric utility subject to this subchapter that may affect the ultimate rates paid by retail customers in this state.

(b) Assistance for which a consultant, accountant, auditor,

1 engineer, or attorney may be retained under Subsection (a) may
2 include:

- 3 (1) conducting a study;
- 4 (2) conducting an investigation;
- 5 (3) presenting evidence;
- 6 (4) advising the commission; or
- 7 (5) representing the commission.

8 (c) The electric utility shall pay timely the reasonable
9 costs of the services of a person retained under Subsection (a), as
10 determined by the commission. The total costs an electric utility
11 is required to pay under this subsection may not exceed \$1.5 million
12 in a 12-month period.

13 (d) The commission shall allow the electric utility to
14 recover both the total costs the electric utility paid under
15 Subsection (c) and the carrying charges for those costs through a
16 rider established annually to recover the costs paid and carrying
17 charges incurred during the preceding calendar year. The rider may
18 not be implemented before the rider is reviewed and approved by the
19 commission.

20 (e) The commission shall consult the attorney general
21 before the commission retains a consultant, accountant, auditor, or
22 engineer under Subsection (a). The retention of an attorney under
23 Subsection (a) is subject to the approval of the attorney general
24 under Section [402.0212](#), Government Code.

25 (f) The commission shall be precluded from engaging any
26 individual who is required to register under Section [305.003](#),
27 Government Code.

1 (g) This section expires September 1, 2023.

2 SECTION 2. Section 39.4525, Utilities Code, is amended by
3 amending Subsections (a) and (g) to read as follows:

4 (a) The commission may retain any consultant, accountant,
5 auditor, engineer, or attorney the commission considers necessary
6 to represent the commission in a proceeding before the Federal
7 Energy Regulatory Commission, or before a court reviewing
8 proceedings of that federal commission, related to:

9 (1) the relationship of an electric utility subject to
10 this subchapter to a power region, regional transmission
11 organization, or independent system operator; ~~or~~

12 (2) the approval of an agreement among the electric
13 utility and the electric utility's affiliates concerning the
14 coordination of the operations of the electric utility and the
15 electric utility's affiliates; or

16 (3) other matters related to the electric utility
17 subject to this subchapter that may affect the ultimate rates paid
18 by retail customers in this state.

19 (g) This section expires September 1, 2023 [~~December 31,~~
20 ~~2017~~].

21 SECTION 3. Subchapter K, Chapter 39, Utilities Code, is
22 amended by adding Section 39.504 to read as follows:

23 Sec. 39.504. HIRING ASSISTANCE FOR FEDERAL PROCEEDINGS.

24 (a) The commission may retain any consultant, accountant,
25 auditor, engineer, or attorney the commission considers necessary
26 to represent the commission in a proceeding before the Federal
27 Energy Regulatory Commission, or before a court reviewing

1 proceedings of that federal commission, related to:

2 (1) the relationship of an electric utility subject to
3 this subchapter to a power region, regional transmission
4 organization, or independent system operator;

5 (2) the approval of an agreement among the electric
6 utility and the electric utility's affiliates concerning the
7 coordination of the operations of the electric utility and the
8 electric utility's affiliates; or

9 (3) other matters related to the electric utility
10 subject to this subchapter that may affect the ultimate rates paid
11 by retail customers in this state.

12 (b) Assistance for which a consultant, accountant, auditor,
13 engineer, or attorney may be retained under Subsection (a) may
14 include:

- 15 (1) conducting a study;
16 (2) conducting an investigation;
17 (3) presenting evidence;
18 (4) advising the commission; or
19 (5) representing the commission.

20 (c) The electric utility shall pay timely the reasonable
21 costs of the services of a person retained under Subsection (a), as
22 determined by the commission. The total costs an electric utility
23 is required to pay under this subsection may not exceed \$1.5 million
24 in a 12-month period.

25 (d) The commission shall allow the electric utility to
26 recover both the total costs the electric utility paid under
27 Subsection (c) and the carrying charges for those costs through a

1 rider established annually to recover the costs paid and carrying
2 charges incurred during the preceding calendar year. The rider may
3 not be implemented before the rider is reviewed and approved by the
4 commission.

5 (e) The commission shall consult the attorney general
6 before the commission retains a consultant, accountant, auditor, or
7 engineer under Subsection (a). The retention of an attorney under
8 Subsection (a) is subject to the approval of the attorney general
9 under Section 402.0212, Government Code.

10 (f) The commission shall be precluded from engaging any
11 individual who is required to register under Section 305.003,
12 Government Code.

13 (g) This section expires September 1, 2023.

14 SECTION 4. This Act takes effect September 1, 2015.