

By: King of Parker

H.B. No. 2829

A BILL TO BE ENTITLED

AN ACT

relating to electricity service provided by certain municipally owned utilities.

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

SECTION 1. Chapter 32, Utilities Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. REVIEW OF RATES OF CERTAIN MUNICIPAL UTILITIES

Sec. 32.151. APPLICABILITY. This subchapter applies only to a municipally owned utility that:

(1) owns generation assets; and

(2) is not governed by an independent board.

Sec. 32.152. REVIEW OF RATES; CUSTOMER CHOICE. (a) Notwithstanding any other law, a retail customer or group of customers may file a petition for commission review of current or proposed rates of a municipally owned utility that apply to the petitioning customer or group if the customer or group:

(1) has a non-demand metered total usage of more than 100,000 kilowatt hours per year; or

(2) is served through a demand meter at secondary or primary voltage.

(b) The commission shall initiate a proceeding not later than the 90th day after the petition is submitted to determine whether the rates of the municipally owned utility are consistent with the rates available to similarly situated customers in areas

1 of the state that have access to customer choice. If the commission
2 determines that the rates of the municipally owned utility are
3 consistent with the rates available to similarly situated customers
4 in areas of the state that have access to customer choice, the
5 commission shall deny the petition.

6 (c) If the commission does not deny the petition under
7 Subsection (b), not later than the 90th day after the date of the
8 determination described by Subsection (b), the municipally owned
9 utility shall file a rate application with the commission that
10 complies in all material respects with the rules and forms
11 prescribed by the commission. The commission for good cause may
12 extend the deadline for filing the rate application.

13 (d) The commission shall conduct a full review of the rates
14 applicable to the petitioning customer or group to determine
15 whether those rates are just and reasonable using the standards
16 prescribed by Chapter 36, notwithstanding the lack of consistency
17 between those rates and rates available to similarly situated
18 customers in areas of the state that have access to customer choice.
19 If the commission determines that the rates are just and
20 reasonable, the commission shall deny the petition. If the
21 commission determines that the rates are not just and reasonable,
22 the commission shall set rates for the petitioning customer or
23 group that are just, reasonable, and consistent with the rates
24 available to similarly situated customers in areas of the state
25 that have access to customer choice.

26 SECTION 2. This Act takes effect September 1, 2019.