

AN ACT

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

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

SECTION 1. Subchapter A, Chapter 39, Utilities Code, is amended by adding Section 39.004 to read as follows:

Sec. 39.004. HIRING ASSISTANCE FOR REGIONAL 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 a regional transmission organization, or before a court reviewing proceedings of a regional transmission organization, related to:

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

(2) the approval of an agreement among an 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 an electric utility that may affect the ultimate rates paid by retail customers in this state.

(b) Notwithstanding Sections 39.402(a), 39.452(d), and

1 39.502(b), this section applies to an electric utility to which
2 Subchapter I, J, or K applies.

3 (c) Assistance for which a consultant, accountant, auditor,
4 engineer, or attorney may be retained under Subsection (a) may
5 include:

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

11 (d) The electric utility that is the subject of the
12 proceeding shall pay timely the reasonable costs of the services of
13 a person retained under Subsection (a), as determined by the
14 commission. The total costs an electric utility is required to pay
15 under this subsection may not exceed \$1.5 million in a 12-month
16 period.

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

24 (f) The commission shall consult the attorney general
25 before the commission retains a consultant, accountant, auditor, or
26 engineer under Subsection (a). The retention of an attorney under
27 Subsection (a) is subject to the approval of the attorney general

1 under Section 402.0212, Government Code.

2 (g) The commission shall be precluded from engaging any
3 individual who is required to register under Section 305.003,
4 Government Code.

5 (h) This section expires September 1, 2023.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 3867 was passed by the House on May 3, 2019, by the following vote: Yeas 140, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3867 on May 24, 2019, by the following vote: Yeas 138, Nays 0, 3 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3867 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor