

By: Springer

H.B. No. 3867

Substitute the following for H.B. No. 3867:

By: Parker

C.S.H.B. No. 3867

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of the Public Utility Commission of Texas  
3 to retain assistance for regional proceedings affecting certain  
4 electric utilities and consumers.

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

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

8 Sec. 39.004. HIRING ASSISTANCE FOR REGIONAL PROCEEDINGS.

9 (a) The commission may retain any consultant, accountant, auditor,  
10 engineer, or attorney the commission considers necessary to  
11 represent the commission in a proceeding before a regional  
12 transmission organization, or before a court reviewing proceedings  
13 of a regional transmission organization, related to:

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

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

21 (3) other matters related to an electric utility that  
22 may affect the ultimate rates paid by retail customers in this  
23 state.

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

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

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

26 (f) The commission shall be precluded from engaging any  
27 individual who is required to register under Section 305.003,

1 Government Code.

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

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