

House Bill 3867
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(1) conducting a study;

(2) conducting an investigation;

(3) presenting evidence;

(4) advising the commission; or

(5) representing the commission.

(c) The electric utility that is the subject of the proceeding shall pay timely the reasonable costs of the services of a person retained under Subsection (a), as determined by the

SENATE VERSION (CS)

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

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

(1) conducting a study;

(2) conducting an investigation;

(3) presenting evidence;

(4) advising the commission; or

(5) representing the commission.

(d) The electric utility that is the subject of the proceeding shall pay timely the reasonable costs of the services of a person retained under Subsection (a), as determined by the

CONFERENCE

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commission. The total costs an electric utility is required to pay under this subsection may not exceed \$1.5 million in a 12-month period.

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

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

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

(g) This section expires September 1, 2023.

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

SENATE VERSION (CS)

commission. The total costs an electric utility is required to pay under this subsection may not exceed \$1.5 million in a 12-month period.

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

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

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

(h) This section expires September 1, 2023.

SECTION 2. Same as House version.

CONFERENCE