87R16124 CXP-F

By:  Paddie, Hernandez, et al. H.B. No. 10

Substitute the following for H.B. No. 10:

By:  Hunter C.S.H.B. No. 10

A BILL TO BE ENTITLED

AN ACT

relating to the governance of the Public Utility Commission of Texas, the Office of Public Utility Counsel, and an independent organization certified to manage a power region.

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

SECTION 1.  Section 12.052(a), Utilities Code, is amended to read as follows:

(a)  The governor shall designate a commissioner as the presiding officer. The commissioner designated as the presiding officer must be a resident of this state.

SECTION 2.  Section 13.022(a), Utilities Code, is amended to read as follows:

(a)  The counsellor must:

(1)  be licensed to practice law in this state and a resident of this state;

(2)  have demonstrated a strong commitment to and involvement in efforts to safeguard the rights of the public; and

(3)  possess the knowledge and experience necessary to practice effectively in utility proceedings.

SECTION 3.  Section 39.151, Utilities Code, is amended by amending Subsections (g) and (g-1) and adding Subsections (g-2), (g-3), (g-4), and (g-5) to read as follows:

(g)  To maintain certification as an independent organization under this section, an organization's governing body must be composed of persons specified by this section and selected in accordance with formal bylaws or protocols of the organization. The bylaws or protocols must be approved by the commission and must reflect the input of the commission. The bylaws must specify the process by which appropriate stakeholders elect members [~~and, for unaffiliated members, prescribe professional qualifications for selection as a member. The bylaws must require the use of a professional search firm to identify candidates for membership of unaffiliated members~~]. The process must allow for commission input in identifying candidates. The governing body must be composed of:

(1)  the chairman of the commission as an ex officio nonvoting member;

(2)  the counsellor as an ex officio voting member representing residential and small commercial consumer interests;

(3)  the chief executive officer of the independent organization as an ex officio voting member;

(4)  six market participants elected by their respective market segments to serve one-year terms, with:

(A)  one representing independent generators;

(B)  one representing investor-owned utilities;

(C)  one representing power marketers;

(D)  one representing retail electric providers;

(E)  one representing municipally owned utilities; and

(F)  one representing electric cooperatives;

(5)  one member representing industrial consumer interests and elected by the industrial consumer market segment to serve a one-year term;

(6)  one member representing large commercial consumer interests selected in accordance with the bylaws to serve a one-year term; [~~and~~]

(7)  three members appointed by the governor, at least one of whom must represent residential consumer interests;

(8)  one member appointed by the lieutenant governor; and

(9)  one member appointed by the speaker of the house of representatives [~~five members unaffiliated with any market segment and selected by the other members of the governing body to serve three-year terms~~].

(g-1)  The governor shall designate the presiding officer of the independent organization's governing body [~~must be one of the members described by Subsection (g)(7)~~].

(g-2)  Members of the governing body of an independent organization certified under this section appointed under Subsections (g)(7), (8), and (9) serve staggered terms of two years, with three members' terms expiring February 1 of each odd-numbered year and two members' terms expiring February 1 of each even-numbered year. Not later than the 30th day after the date a member of the governing body's term expires, the appropriate appointing authority shall appoint a replacement in the same manner as the original appointment. If a vacancy occurs on the governing body, the appropriate appointing authority shall appoint a successor in the same manner as the original appointment to serve for the remainder of the unexpired term. The appropriate appointing authority shall appoint the successor not later than the 30th day after the date the vacancy occurs.

(g-3)  To qualify as a member of the governing body under Subsection (g)(4), (5), (6), (7), (8), or (9), a person must be a resident of this state.

(g-4)  To maintain certification as an independent organization under this section, an organization's chief executive officer must be a resident of this state.

(g-5)  A member of the governing body is not entitled to compensation, but is entitled to reimbursement for travel and other necessary expenses related to the activities of the independent organization as provided by the General Appropriations Act.

SECTION 4.  (a) As soon as practicable after the effective date of this Act, the governor, lieutenant governor, and speaker of the house of representatives shall comply with Section 39.151, Utilities Code, as amended by this Act, by appointing members to the governing body of an independent organization certified under Section 39.151, Utilities Code, by the Public Utility Commission of Texas before September 1, 2021. To establish staggered terms, the governor shall designate three initial appointees to serve terms expiring February 1 of the next odd-numbered year and two initial appointees to serve terms expiring February 1 of the next even-numbered year.

(b)  An independent organization certified under Section 39.151, Utilities Code, by the Public Utility Commission of Texas before September 1, 2021, shall ensure that the chief executive officer of the organization is a resident of this state as soon as practicable, but not later than September 1, 2022.

(c)  After September 1, 2022, the Public Utility Commission of Texas may decertify an independent organization whose governing body or chief executive officer does not comply with Section 39.151, Utilities Code, as amended by this Act.

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.