

By: Anchia

H.B. No. 4560

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the Public Utility Commission of Texas, the Office of
3 the Public Utility Counsel, and the independent organization
4 certified for the ERCOT power region.

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

6 SECTION 1. Section 12.005, Utilities Code, is amended to
7 read as follows:

8 Sec. 12.005. APPLICATION OF SUNSET ACT. The Public Utility
9 Commission of Texas is subject to Chapter 325, Government Code
10 (Texas Sunset Act). Unless continued in existence as provided by
11 that chapter or by Chapter 39, the commission is abolished and this
12 title expires September 1, 2023 [~~2025~~].

13 SECTION 2. Section 13.002, Utilities Code, is amended to
14 read as follows:

15 Sec. 13.002. APPLICATION OF SUNSET ACT. The Office of
16 Public Utility Counsel is subject to Chapter 325, Government Code
17 (Texas Sunset Act). Unless continued in existence as provided by
18 that chapter, the office is abolished and this chapter expires
19 September 1, 2023 [~~2025~~].

20 SECTION 3. Sections 12.051(a) and (b), Utilities Code, are
21 amended to read as follows:

22 (a) The commission is composed of:

23 (1) one [~~three~~] commissioner [~~commissioners~~]
24 appointed by the governor with the advice and consent of the senate;

1 (2) two commissioners appointed by the governor from a
2 list of names submitted by the Office of Public Utility Counsel;

3 (3) one commissioner appointed by the speaker of the
4 house of representatives with the advice and consent of the senate;
5 and

6 (4) one commissioner appointed by the lieutenant
7 governor with the advice and consent of the senate.

8 (b) The list of names submitted by the Office of Public
9 Utility Counsel must consist of individuals:

10 (1) with a demonstrated history of representing
11 consumers;

12 (c) A person is not eligible for appointment by the governor
13 from a list of names submitted by the Office of Public Utility
14 Counsel if:

15 (1) the person served on the board of directors of a
16 company that supplies fuel, utility-related services, or
17 utility-related products to regulated or unregulated electric or
18 telecommunications utilities at any time during the previous
19 five-year period; or

20 (2) the person or the person's spouse:

21 (A) was employed by or participated in the
22 management of a business entity or other organization that is
23 regulated by or receives funds from the commission at any time
24 during the previous five-year period;

25 (B) at any time during the previous five-year
26 period, directly or indirectly owned or controlled more than a 10
27 percent interest in:

1 (i) a business entity or other organization
2 that is regulated by or receives funds from the commission; or

3 (ii) a utility competitor, utility
4 supplier, or other entity affected by a commission decision in a
5 manner other than by the setting of rates for that class of
6 customer;

7 (C) used or received a substantial amount of
8 tangible goods, services, or funds from the commission, other than
9 compensation or reimbursement authorized by law for commission
10 membership, attendance, or expenses at any time during the previous
11 five-year period; or

12 (d) An appointment to the commission shall be made without
13 regard to the race, color, disability, sex, religion, age, or
14 national origin of the appointee.

15 SECTION 4. Section 12.055, Utilities Code, is amended to
16 read as follows:

17 Sec. 12.055. PROHIBITION ON SEEKING ANOTHER OFFICE. A
18 person may not seek nomination or election to another civil office
19 of this state or of the United States while serving as a
20 commissioner. If a commissioner files for nomination or election to
21 another civil office of this state or of the United States, the
22 person's office as commissioner immediately becomes vacant, and the
23 governor, speaker of the house of representatives, or lieutenant
24 governor, as applicable, shall appoint a successor in accordance
25 with Section 12.051.

26 SECTION 5. Subchapter A, Chapter 39, Utilities Code, is
27 amended by adding Section 39.1514 to read as follows:

1 39.1514. RELIABILITY MONITOR. (a) An independent
2 organization certified under Section 39.151 shall contract with an
3 entity selected by the commission to act as the commission's
4 reliability monitor.

5 (1) The entity selected to act as the reliability
6 monitor may not be the independent organization or the commission.

7 Section 6. The Public Utility Commission of Texas shall adopt
8 any rules necessary to implement the changes in law made by Section
9 39.1514 not later than December 1, 2021.

10 SECTION 7. This Act takes effect September 1, 2021.