

BILL ANALYSIS

Senate Research Center
77R1408 MTB-D

H.B. 412
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Business & Commerce
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Engrossed

DIGEST AND PURPOSE

Current law prohibits a retail electric utility from furnishing or making available retail electric utility service to an area in which that service is being lawfully furnished by another retail electric utility, unless the utility first obtains from the Public Utility Commission (PUC) a certificate of convenience and necessity that includes the area in which the consuming facility is located. In addition, certificated municipally owned utilities are exempt from the provision relating to dividing multiply certificated service areas if the utility serving the area filed a request with the PUC by February 1, 2000, requesting that areas within the certificated service area of the municipally owned utility remain as presently certificated. Following the enactment of the current law, some municipally owned utilities failed to meet the February 1, 2000, deadline to file the request. H.B. 412 moves the deadline to October 1, 2001.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.060(b), Utilities Code, to provide that this section does not apply in any area in which a municipally owned utility is certificated to provide retail electric utility service if the municipally owned utility serving the area files with the Public Utility Commission of Texas (commission) by October 1, 2001, rather than February 1, 2000, a request that areas within the certified service area of the municipally owned utility remain as presently certificated.

SECTION 2. Effective date: upon passage or September 1, 2001.