

BILL ANALYSIS

Senate Research Center
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S.B. 855
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, pursuant to the Utilities Code, a landowner affected by the construction or modification of a transmission line is notified by the utility when it files its certificate of convenience and necessity (CCN) application with the Public Utility Commission (PUC). The notice informs the landowner of the option of becoming a party to the contested case. Although the administrative process is an adversarial process, legal representation is not necessary. However, there is no entity charged with assisting pro se litigants with procedural matters.

S.B. 855 amends the Utilities Code to expand the duties of the Office of Public Utility Counsel (OPUC) to allow OPUC to provide assistance to landowners participating in CCN application cases at PUC. The assistance is limited to procedural matters and may include explanations of applicable statutes and administrative rules.

As proposed, S.B. 855 amends current law relating to assistance provided by the Office of Public Utility Counsel to interested parties on certain electricity matters involving certificates of convenience and necessity.

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 13.003(a), Utilities Code, to authorize the Office of Public Utility Counsel (OPUC) to, among certain authorized and required tasks, advise persons who are interested parties for purposes of Section 37.054 (Notice and Hearing on Application) on procedural matters related to proceedings before the Public Utility Commission of Texas (PUC) on an application for a certification of convenience and necessity filed under Section 37.053 (Application for Certificate).

SECTION 2. Amends Section 37.054(a), Utilities Code, to require PUC, when an application for a certificate is filed, to give notice of the application to interested parties and to OPUC, and if requested, set a time and place for a hearing and give notice of the hearing.

SECTION 3. Makes application of Section 37.054, as amended by this Act, prospective.

SECTION 4. Effective date: upon passage or September 1, 2011.