AN ACT
relating to the authority of the Public Utility Commission of Texas
to participate in certain proceedings before the Federal Energy
Regulatory Commission.

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

SECTION 1. Subchapter J, Chapter 39, Utilities Code, is
amended by adding Section 39.4525 to read as follows:

Sec. 39.4525. HIRING ASSISTANCE FOR FEDERAL 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 the Federal
Energy Regulatory Commission, or before a court reviewing
proceedings of that federal commission, related to:

(1) the relationship of an electric utility subject to
this subchapter to a power region, regional transmission
organization, or independent system operator; or

(2) the approval of an agreement among the electric
utility and the electric utility's affiliates concerning the
coordination of the operations of the electric utility and the
electric utility's affiliates.

(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 shall pay timely the reasonable costs of the services of a person retained under Subsection (a), as determined by the 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 the 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 December 31, 2017.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as
S.B. No. 1153

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2011.

David Dewhurst
President of the Senate

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 1153 passed the Senate on
April 7, 2011, by the following vote: Yeas 31, Nays 0; and that
the Senate concurred in House amendments on May 9, 2011, by the
following vote: Yeas 31, Nays 0.

Phyllis Hardy
Secretary of the Senate

I hereby certify that S.B. No. 1153 passed the House, with
amendments, on May 5, 2011, by the following vote: Yeas 146,
Nays 0, two present not voting.

Robert H. Haney
Chief Clerk of the House

Approved:

20 May '11
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

MAY 20 2011
Secretary of State