

Tex. Utilities Code § 40.004

This document is current through the 2023 Regular Session; the 1st C.S.; the 2nd C.S.; the 3rd C.S. and the 4th C.S. of the 88th Legislature; and the November 7, 2023 general election results.

Texas Statutes & Codes Annotated by LexisNexis® > Utilities Code > Title 2 Public Utility Regulatory Act (Subts. A — C) > Subtitle B Electric Utilities [Expires September 1, 2023] (Chs. 31 — 50) > Chapter 40 Competition for Municipally Owned Utilities and River Authorities (Subchs. A — C) > Subchapter A General Provisions (§§ 40.001 — 40.004)

Sec. 40.004. Jurisdiction of Commission.

Except as specifically otherwise provided in this chapter, the commission has jurisdiction over municipally owned utilities only for the following purposes:

- (1) to regulate wholesale transmission rates and service, including terms of access, to the extent provided by Subchapter A, Chapter 35;
- (2) to regulate certification of retail service areas to the extent provided by Chapter 37;
- (3) to regulate rates on appeal under Subchapters D and E, Chapter 33, subject to Section 40.051(c);
- (4) to establish a code of conduct as provided by Section 39.157(e) applicable to anticompetitive activities and to affiliate activities limited to structurally unbundled affiliates of municipally owned utilities, subject to Section 40.054;
- (5) to establish terms and conditions for open access to transmission and distribution facilities for municipally owned utilities providing customer choice, as provided by Section 39.203;
- (6) to administer the natural gas energy credits program under Section 39.9044(b);
- (7) to require reports of municipally owned utility operations only to the extent necessary to:
 - (A) enable the commission to determine the aggregate load and energy requirements of the state and the resources available to serve that load; or
 - (B) enable the commission to determine information relating to market power as provided by Section 39.155; and
- (8) to evaluate and monitor the cybersecurity preparedness of a municipally owned utility described by Section 39.1516(a)(3) or (4).

History

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Enacted by Acts 1999, 76th Leg., ch. 405 (S.B. 7), § 39, effective September 1, 1999; Acts 2019, 86th Leg., ch. 467 (H.B. 4170), § 16.005, effective September 1, 2019; Acts 2019, 86th Leg., ch. 610 (S.B. 936), § 9, effective September 1, 2019; Acts 2023, 88th Leg., ch. 410 (H.B. 1500), § 42, effective September 1, 2023.

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