

SUBJECT: Applying PUC rules on advanced metering to certain non-ERCOT utilities

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 11 ayes — Phelan, Deshotel, Harless, Holland, Hunter, P. King, Parker, Raymond, E. Rodriguez, Smithee, Springer

0 nays

2 absent — Hernandez, Guerra

WITNESSES: For — Erika Akpan, Association of Electric Companies of Texas; Cyrus Reed, Lone Star Chapter Sierra Club; (*Registered, but did not testify*: Gary Gibbs, AEP SWEPCO; June Deadrick, CenterPoint Energy; Patrick Reinhart, El Paso Electric Company; Mia Hutchens, Texas Association of Business; Thomas Ratliff, Tri Global Energy and Sunfinity Solar; Adrian Shelley)

Against — None

On — (*Registered, but did not testify*: Therese Harris, Public Utility Commission of Texas)

BACKGROUND: Utilities Code ch. 39, subch. L regulates certain investor-owned electric utilities operating solely outside of the Electric Reliability Council of Texas (ERCOT) in areas of the state included in the Western Electricity Coordinating Council (El Paso Electric Company).

Utilities Code sec. 39.107 requires the Public Utility Commission (PUC) to establish a nonbypassable surcharge for an electric utility to use to recover reasonable and necessary costs incurred in deploying advanced metering and meter information networks. PUC must ensure that the surcharge reflects no more than one-third of the utility's total meters over a calendar year and does not result in the utility recovering more than its actual, fully allocated meter and meter information network costs.

The statute also requires the PUC to prohibit an electric utility from selling, sharing, or disclosing certain information generated or collected from an advanced metering system or meter information network, including customer information.

DIGEST:

HB 853 would allow certain investor-owned non-ERCOT electric utilities operating under ch. 39, subch. L of the Utilities Code that elected to deploy advanced metering and meter information networks to recover reasonable and necessary costs incurred from that deployment. The utility would be subject to Public Utility Commission (PUC) rules related to customer surcharges and privacy of customer information.

PUC would have to ensure that the deployment plan and any related customer surcharge did not apply to customer accounts that received service at transmission voltage and were consistent with PUC rules related to advanced metering systems regarding customer protections, data security, and non-advanced meter options for customers.

An electric utility that elected to deploy an advanced meter information network under this bill would have to deploy that network as rapidly as practicable to allow customers to better manage energy use and control costs.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

**SUPPORTERS
SAY:**

HB 853 would allow the El Paso Electric Company to deploy advanced metering and meter information networks in the same manner as electric utilities in the Electric Reliability Council of Texas (ERCOT) service region. Currently, utilities in the ERCOT region, which encompasses most of the state, may deploy advanced meters and adopt surcharges to recover the cost of deployment if they adhere to certain Public Utility Commission (PUC) rules. It is unclear whether these rules also would apply to non-ERCOT utilities such as El Paso Electric.

The bill simply would clarify that those same rules applied to the service territory of El Paso Electric to ensure that surcharges were regulated and consumer data was protected consistently across the state, expressly allowing more utilities to use advanced meters. The Legislature extended PUC rules to cover another non-ERCOT electric utility in 2017 and should continue to expand coverage of advanced metering rules.

Advanced meters provide several benefits to customers, including real-time data on grid operations, faster response times to outages, outage prevention measures, potential cost savings, and customer service upgrades. Customers served by non-ERCOT utilities also should be able to access these benefits.

HB 853 would not change the rate-setting process, since the rates of non-ERCOT utilities are under PUC regulation. A utility like El Paso Electric would have to develop a plan to deploy advanced metering and meter information networks, then get approval from local entities as well as PUC before the plan could go forward. Any time the utility raises rates or surcharges, they must get approval from PUC and interested parties may intervene to ensure the proposed rate or surcharge is in the public's best interest. Municipally owned utilities and electric cooperatives do not follow the same PUC regulations and have more flexibility with rate setting. The bill simply would clarify that certain non-ERCOT utilities could go forward with deploying advanced metering like most other utilities already can.

OPPONENTS
SAY:

HB 853 essentially would allow certain non-ERCOT utilities to increase rates by adding a surcharge. Further, utilities would not have to prove that a surcharge was needed to recover the costs of deploying advanced metering. While advanced meters have several customer benefits, electric cooperatives and municipally owned utilities have been able to deploy systems without needing to assess surcharges, recovering the costs with base rates. The bill would add to the inconsistent rate setting process in the state.