March 13, 2019

HB 1680 by Paddie: Reshuffling Sunset Dates Bill: Should we wait six years for another PUC review?

The Sierra Club has no objections to the reshuffling of dates proposed in HB 1680, except for the proposed changes to the dates involving the PUC and OPUC.

The Public Utility Commission underwent the sunset process in 2010-2011 resulting in Sunset legislation continuing the agency another 12 years until 2023. The Sierra Club supported that sunset bill and is appreciative of the great work done by the PUC staff and commissioners.

However, due to its significant workload, Sunset Staff has suggested moving the PUC (and associated Office of Public Utility Counsel) sunset until 2025 as part of HB 1680.

The Sierra Club believes we should not wait so long for another PUC review. With technology changing so swiftly in terms of energy storage, electric vehicles, distributed resources like chilling stations, demand response and on-site solar, not to mention the major shift from the use of coal to the use of utility-scale renewables, we would be in favor of keeping the sunset date at 2023.

In addition, keeping tabs on any result of legislation related to storage, smart meters, proper review of municipal, competitive and non-ERCOT rate and rate-making tools, is important fodder for future discussions through the sunset process. Finally, within ERCOT we are facing several years of expected tight reserve margins, and recent efforts being made by the PUC must be analyzed sooner rather than later.

We realize 2023 will be a significant Sunset year with TCEQ and other major agencies under review, but we believe given the rapidly changing nature of our electric grid that PUC -- and OPUC --should remain under Sunset review in the 2022-23 period.

Sincerely,

Cyrus Reed
Below is the section discussed in the bill

SECTION 3.07. PUBLIC UTILITY COMMISSION OF TEXAS. Section 12.005, Utilities Code, is amended to read as follows: Sec. 12.005. APPLICATION OF SUNSET ACT. The Public Utility Commission of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter or by Chapter 39, the commission is abolished and this title expires September 1, 2025 [2023].

SECTION 3.08. OFFICE OF PUBLIC UTILITY COUNSEL. Section 13.002, Utilities Code, is amended to read as follows: Sec. 13.002. APPLICATION OF SUNSET ACT. The Office of Public Utility Counsel is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2025 [2023].