

**PROJECT NO. 37472**

**INFRASTRUCTURE IMPROVEMENT      §      PUBLIC UTILITY COMMISSION  
AND MAINTENANCE REPORT            §  
PURSUANT TO HOUSE BILL 1831      §                                      OF TEXAS**

**PROPOSAL FOR PUBLICATION OF NEW §25.94  
AS APPROVED AT THE OCTOBER 8, 2009 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes new §25.94, relating to Report on Infrastructure Improvement and Maintenance. The rule will require an electric utility to submit a report to the commission by May 1<sup>st</sup> of each year that provides certain information concerning transmission and distribution hardening and maintenance and emergency operations activities. Project Number 37472 is assigned to this proceeding.

Regina Chapline, Infrastructure Policy Analyst in the Infrastructure and Reliability Division, has determined that for each year of the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Ms. Chapline has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be: the implementation of Public Utility Regulatory (PURA) §38.101, which requires an electric utility to file a report by May 1<sup>st</sup> of each year that includes the information required by the section; and the provision of information concerning transmission and distribution hardening and maintenance and emergency operations activities of electric utilities. There will be no adverse economic effect on small businesses or micro-businesses as a result of enforcing the rule. Therefore, no regulatory flexibility analysis is required. There will be small economic costs to electric utilities, which are required to prepare

and file the report required by the rule. It is believed the benefits of the rule will outweigh these costs.

Ms. Chapline has also determined that for each year of the first five years the rule is in effect there should be no effect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act (APA), Texas Government Code §2001.022.

The commission staff will conduct a public hearing on this rulemaking, if requested, pursuant to the Administrative Procedure Act, Texas Government Code §2001.029, at the commission's offices located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701 on Wednesday, November 18, 2009, at 10:00 a.m. The request for a public hearing must be received by November 13, 2009, (21 days after publication).

Initial comments on the rule may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, by November 13, 2009 (21 days after publication). Reply comments may be submitted by November 18, 2009 (25 days after publication). Sixteen copies of comments on the proposed rule are required to be filed pursuant to §22.71(c) of this title. Comments should be organized in a manner consistent with the organization of the proposed rules. All comments should refer to Project Number 37472.

The new section is proposed under the PURA §14.002, Texas Utilities Code Annotated §14.002 (Vernon 2007 and Supp. 2009), which provides the commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; §14.001, which gives the commission the general power to regulate and supervise the business of each public utility; §14.003, which gives the commission the power to require a public utility to file a report relating to the public utility; and §38.101 which requires an electric utility to submit a report to the commission by May 1<sup>st</sup> of each year that provides certain information concerning transmission and distribution hardening and maintenance and emergency operations activities.

Cross Reference to Statutes: PURA §§ 14.001, 14.002, 14.003, and 38.101.

**§25.94. Report on Infrastructure Improvement and Maintenance.**

- (a) **Purpose.** This rule is intended to ensure the provision of safe, continuous, and adequate electric transmission and distribution service for operational as well as emergency purposes.
- (b) **Application.** This rule applies to all electric utilities.
- (c) **Reports.** By May 1<sup>st</sup> of each year, an electric utility shall file with the commission a report that contains the information described in subsection (d) of this section.
- (d) The utility shall include in the report, for the period beginning April 1 of the immediately preceding year through March 31 of the current year, a description of the utility's activities related to:
  - (1) Identifying areas in its service territory that are susceptible to damage during severe weather or natural disasters and hardening transmission and distribution facilities in those areas;
  - (2) Providing vegetation management;
  - (3) Inspecting its transmission and distribution facilities; and
  - (4) Preparing for emergency operations for the upcoming year.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 9<sup>th</sup> DAY OF OCTOBER 2009 BY THE  
PUBLIC UTILITY COMMISSION OF TEXAS  
ADRIANA A. GONZALES**

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