

PROJECT NO. 41747

RULEMAKING TO IMPELEMENT HB	§	PUBLIC UTILITY COMMISSION
994, RELATING TO EXTENDING	§	
ELIBIBILITY DATES FOR NUCLEAR	§	OF TEXAS
DECOMMISSION TRUSTS	§	
QUALIFYING UNDER PURA 39.206	§	

**PROPOSAL FOR PUBLICATION OF AMENDMENT TO §25.304
AS APPROVED AT THE SEPTEMBER 12, 2013 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes an amendment to §25.304, relating to Nuclear Decommissioning Funding and Requirements for Power Generation Companies, to implement House Bill 994 of the 83rd Legislature, Regular Session in 2013 (HB 994). The proposed amendment would extend from January 15, 2015 to January 1, 2033 the date by which construction of a qualifying nuclear generating unit shall start in order for the terms that are established in the rule to apply to its decommissioning trust. Project Number 41747 is assigned to this proceeding.

Slade Cutter, Senior Financial Analyst, Rate Regulation Division, has determined that for each year of the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Cutter has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be compliance with HB 994 and PURA §39.206. There will be no adverse economic effect on small businesses or micro-businesses as a result of enforcing the section. Therefore, no regulatory flexibility analysis is required. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Mr. Cutter has also determined that for each year of the first five years the proposed section 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 78711. The request for a public hearing must be received within 20 days after publication.

Initial comments on the amendment may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within 20 days after publication. Reply comments may be submitted within 27 days after publication. Sixteen copies of comments and replies on the amendment 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 amended rule. All comments should refer to Project Number 41747.

This amendment is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and specifically, HB 994, which amends PURA §39.206(a)(3) and (b), effective May 18, 2013, by extending the time period during which construction of a nuclear generating unit shall be started in order for the terms that are established in §25.304 to apply to its decommissioning trust.

Cross Reference to Statutes: Public Utility Regulatory Act §14.002, §39.206 and HB 994 (which amends PURA §39.206(a)(3) and (b)).

§25.304. Nuclear Decommissioning Funding and Requirements for Power Generation Companies.

(a) (No change.)

(b) **Applicability.** A PGC owning all or a portion of a qualifying nuclear generating unit may use a PGC decommissioning trust as an external sinking fund in compliance with this section, provided that the use of the methods of financial assurance set out in this section shall be available only to the first six nuclear generating units the construction of which begins on or after January 1, 2013, and before January 1, 2033~~under construction after January 1, 2007 and before January 15, 2015~~, that elect to use a PGC decommissioning trust.

(c)-(o) (No change.)

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 12th DAY OF SEPTEMBER 2013 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA A. GONZALES**

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