

## CHAPTER 912

H.B. No. 1718

An Act relating to appeal to the Railroad Commission of Texas of a decision involving rates of a gas utility.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Section 3.05(e), Gas Utility Regulatory Act (Article 1446e, Vernon's Texas Civil Statutes), is amended to read as follows:

(e) The railroad commission shall hear the appeal de novo based on the test year presented to the municipality, adjusted for known changes and conditions that are measurable with reasonable accuracy, and by its final order, which shall be entered not more than 185 [~~120~~] days from the date the appeal is perfected, the railroad commission shall fix such rates that the municipality should have fixed in the ordinance from which the appeal was taken. In the event that the railroad commission fails to enter its final order within 185 [~~120~~] days from the date the appeal is perfected, the schedule of rates proposed by the utility shall be deemed to have been approved by the commission and effective upon the expiration of the 185-day [~~120-day~~] period. Any rates, whether temporary or permanent, set by the railroad commission shall be prospective and observed from and after the applicable order of the railroad commission, except interim rate orders necessary to *provide the utility the opportunity to avoid confiscation during the period beginning on the date of filing of a petition for review with the railroad commission and ending on the date of a final order setting rates* [~~effect uniform systemwide rates~~].

**SECTION 2.** This Act applies only to an appeal for which the petition for review is filed on or after the effective date of this Act. An appeal for which the petition for review is filed before the effective date of this Act is governed by the law in effect when the petition for review was filed, and that law is continued in effect for that purpose.

**SECTION 3.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 6, 1985, by a non-record vote; passed by the Senate on May 21, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 15, 1985

Effective: August 26, 1985