

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC UTILITIES - TEXAS

Oncor Electric Delivery Company LLC v. Public Utility Commission of Texas

Supreme Court of Texas - January 6, 2017 - S.W.3d - 2017 WL 68858

Electric utility, state universities, and cities sought review of decision of the Public Utility Commission (PUC) in ratemaking proceeding.

The District Court affirmed in part. Parties appealed. The Austin Court of Appeals affirmed in part, reversed and remanded in part, and reversed and rendered in part. Utility, State, and cities petitioned for review.

The Supreme Court of Texas held that:

- Statute requiring electric utilities to discount charges for service provided to state college and university facilities does not apply to transmission and distribution utilities (TDU) in deregulated areas;
- Statute requiring an electric utility's income taxes to be computed as though it had filed a consolidated return with a group of its affiliates eligible to do so under federal tax law did not require a utility to adopt a corporate structure so as to be part of a group; and
- Expiration of a franchise agreement existing on September 1, 1999 was not a condition to agreeing to a franchise charge.