



The Senate of
The State of Texas

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DAN PATRICK
LIEUTENANT GOVERNOR

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March 15, 2021

Via e-mail to Opinion_committee@texasattorneygeneral.gov

The Honorable Ken Paxton, Attorney General
Texas Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

Dear Attorney General Paxton:

As you know, the Texas Senate today passed Senate Bill 2142 to correct the pricing of wholesale electricity and ancillary services during the period beginning 11:55 p.m., February 17, 2021, and ending 9 a.m., February 19, 2021. Some have raised questions whether the Public Utility Commission has the authority to take this action.

Therefore, I am asking for your legal opinion for the following question:

Under the Texas Utilities Code, does the Public Utility Commission have the legal authority to issue orders affecting pricing for the wholesale electricity market and ancillary services?

Because time is of the essence, I ask that you make every effort to expedite this request for opinion.

Thank you for all you do for Texas.

Sincerely,

Dan Patrick
Lieutenant Governor

