

By: Anchía

H.B. No. 4790

A BILL TO BE ENTITLED

AN ACT

relating to the provision of natural gas by and rates charged by certain gas utilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 104.003, Utilities Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) Subsection (b)(1) does not apply to a gas utility when:

(1) the gas utility is providing service to a customer whose facilities are connected to the facilities of only one gas utility; and

(2) all other gas utilities providing service at a location that is less than five miles from the location where the service is provided are incapable of serving all of the customer's natural gas requirements at the level of service needed by the customer at that location.

(g) A gas utility may establish a rebuttable presumption that a gas transportation rate meets the requirements of Subsection (b)(2) by filing with the regulatory authority executed agreements containing the gas transportation rates for two or more similarly situated customers of the gas utility. An executed agreement filed with a regulatory authority under this section is not confidential and is public information under Chapter 552, Government Code.

SECTION 2. Section 104.151, Utilities Code, is amended by adding Subsections (c) and (d) to read as follows:

1 (c) If a transmission pipeline purchaser of gas sold or
2 transported under a pipeline-to-pipeline or transportation rate
3 files a complaint with the railroad commission about the rate and
4 requests that the railroad commission set an interim rate while the
5 complaint is pending, the railroad commission shall set an interim
6 rate that the gas utility must apply to the complainant for the
7 service in question until the date the railroad commission enters
8 an order establishing the rate to be charged or otherwise disposing
9 of the complaint. The interim rate must provide the gas utility the
10 opportunity to avoid confiscation during the period beginning on
11 the date the complaint is filed and ending on the date the railroad
12 commission enters an order establishing the rate to be charged or
13 otherwise disposing of the complaint.

14 (d) A gas utility may not retaliate against a customer for
15 filing a complaint related to pipeline-to-pipeline or
16 transportation rates.

17 SECTION 3. Section [121.303](#), Utilities Code, is amended to
18 read as follows:

19 Sec. 121.303. PENALTY AND DAMAGES RECOVERABLE FOR [~~BY~~
20 ~~VICTIM OF~~] DISCRIMINATION. (a) A penalty of not less than \$100 and
21 not more than \$1,000 for each violation is and compensatory damages
22 proximately caused by the discriminatory conduct are recoverable by
23 any person against whom discrimination prohibited by Section
24 [121.104](#) is committed.

25 (b) An action [~~A suit~~] to collect a penalty or damages under
26 this section must be brought in the name of and for the benefit of
27 the person aggrieved.

1 (c) A person who recovers a penalty or damages under this
2 section is also entitled to reasonable attorney's fees.

3 (d) The penalty authorized under this section is in addition
4 to a penalty under Section [121.302](#).

5 (e) Discriminatory conduct prohibited by Section [121.104](#) is
6 grounds for action under Section [17.47](#), [17.58](#), [17.60](#), or [17.61](#),
7 Business & Commerce Code, by the consumer protection division of
8 the office of the attorney general.

9 SECTION 4. Section [121.303](#), Utilities Code, as amended by
10 this Act, applies only to a cause of action that accrues on or after
11 the effective date of this Act.

12 SECTION 5. This Act takes effect September 1, 2023.