

1-1 By: Paxton S.B. No. 983  
 1-2 (In the Senate - Filed February 16, 2023; March 3, 2023,  
 1-3 read first time and referred to Committee on Business & Commerce;  
 1-4 April 20, 2023, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 11, Nays 0; April 20, 2023,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 983 By: Birdwell

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to information maintained by certain municipally owned  
 1-24 utilities that provide electricity services and cable, Internet, or  
 1-25 broadband services.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Sections 552.133(a), (a-1), and (b-1),  
 1-28 Government Code, are amended to read as follows:

1-29 (a) In this section:

1-30 (1) "Broadband service" has the meaning assigned by  
 1-31 Section 181.048, Utilities Code.

1-32 (2) "Public~~[, "public]~~ power utility" means an entity  
 1-33 providing electric or gas utility services that is subject to the  
 1-34 provisions of this chapter.

1-35 (a-1) For purposes of this section, "competitive matter"  
 1-36 means a utility-related matter, including for an entity described  
 1-37 by Subdivision (2) a cable, Internet, or broadband service matter,  
 1-38 that is related to the public power utility's competitive activity,  
 1-39 including commercial information, and would, if disclosed, give  
 1-40 advantage to competitors or prospective competitors. The term:

1-41 (1) means a matter that is reasonably related to the  
 1-42 following categories of information:

1-43 (A) generation unit specific and portfolio fixed  
 1-44 and variable costs, including forecasts of those costs, capital  
 1-45 improvement plans for generation units, and generation unit  
 1-46 operating characteristics and outage scheduling;

1-47 (B) bidding and pricing information for  
 1-48 purchased power, generation and fuel, and Electric Reliability  
 1-49 Council of Texas bids, prices, offers, and related services and  
 1-50 strategies;

1-51 (C) effective fuel and purchased power  
 1-52 agreements and fuel transportation arrangements and contracts;

1-53 (D) risk management information, contracts, and  
 1-54 strategies, including fuel hedging and storage;

1-55 (E) plans, studies, proposals, and analyses for  
 1-56 system improvements, additions, or sales, other than transmission  
 1-57 and distribution system improvements inside the service area for  
 1-58 which the public power utility is the sole certificated retail  
 1-59 provider; and

1-60 (F) customer billing, contract, and usage

2-1 information, electric power pricing information, system load  
 2-2 characteristics, and electric power marketing analyses and  
 2-3 strategies; ~~and~~  
 2-4 (2) means a matter reasonably related to information  
 2-5 involving the provision of cable, Internet, or broadband services  
 2-6 by a municipally owned utility that provided electricity services  
 2-7 and cable, Internet, or broadband services on or before January 1,  
 2-8 2003, including:  
 2-9 (A) a capital improvement plan;  
 2-10 (B) an expense related to the installation of a  
 2-11 facility to provide those services;  
 2-12 (C) bidding and pricing information for  
 2-13 installation of the facility;  
 2-14 (D) risk management information, contracts, and  
 2-15 strategies;  
 2-16 (E) plans, studies, proposals, and analyses for:  
 2-17 (i) system improvements, additions, or  
 2-18 sales; or  
 2-19 (ii) establishing pricing for providing  
 2-20 those services; and  
 2-21 (F) customer billing, contract, and usage  
 2-22 information; and  
 2-23 (3) does not include the following categories of  
 2-24 information:  
 2-25 (A) information relating to the provision of  
 2-26 distribution access service, including the terms and conditions of  
 2-27 the service and the rates charged for the service but not including  
 2-28 information concerning utility-related services or products that  
 2-29 are competitive;  
 2-30 (B) information relating to the provision of  
 2-31 transmission service that is required to be filed with the Public  
 2-32 Utility Commission of Texas, subject to any confidentiality  
 2-33 provided for under the rules of the commission;  
 2-34 (C) information for the distribution system  
 2-35 pertaining to reliability and continuity of service, to the extent  
 2-36 not security-sensitive, that relates to emergency management,  
 2-37 identification of critical loads such as hospitals and police,  
 2-38 records of interruption, and distribution feeder standards;  
 2-39 (D) any substantive rule or tariff of general  
 2-40 applicability regarding rates, service offerings, service  
 2-41 regulation, customer protections, or customer service adopted by  
 2-42 the public power utility as authorized by law;  
 2-43 (E) aggregate information reflecting receipts or  
 2-44 expenditures of funds of the public power utility, of the type that  
 2-45 would be included in audited financial statements;  
 2-46 (F) information relating to equal employment  
 2-47 opportunities for minority groups, as filed with local, state, or  
 2-48 federal agencies;  
 2-49 (G) information relating to the public power  
 2-50 utility's performance in contracting with minority business  
 2-51 entities;  
 2-52 (H) information relating to nuclear  
 2-53 decommissioning trust agreements, of the type required to be  
 2-54 included in audited financial statements;  
 2-55 (I) information relating to the amount and timing  
 2-56 of any transfer to an owning city's general fund;  
 2-57 (J) information relating to environmental  
 2-58 compliance as required to be filed with any local, state, or  
 2-59 national environmental authority, subject to any confidentiality  
 2-60 provided under the rules of those authorities;  
 2-61 (K) names of public officers of the public power  
 2-62 utility and the voting records of those officers for all matters  
 2-63 other than those within the scope of a competitive resolution  
 2-64 provided for by this section;  
 2-65 (L) a description of the public power utility's  
 2-66 central and field organization, including the established places at  
 2-67 which the public may obtain information, submit information and  
 2-68 requests, or obtain decisions and the identification of employees  
 2-69 from whom the public may obtain information, submit information or

3-1 requests, or obtain decisions;  
3-2 (M) information identifying the general course  
3-3 and method by which the public power utility's functions are  
3-4 channeled and determined, including the nature and requirements of  
3-5 all formal and informal policies and procedures;

3-6 (N) salaries and total compensation of all  
3-7 employees of a public power utility;

3-8 (O) information publicly released by the  
3-9 Electric Reliability Council of Texas in accordance with a law,  
3-10 rule, or protocol generally applicable to similarly situated market  
3-11 participants; [~~or~~]

3-12 (P) information related to a chilled water  
3-13 program, as defined by Section 11.003, Utilities Code; or

3-14 (Q) information included in the separate books  
3-15 and records required to be kept by an entity described by  
3-16 Subdivision (2) as required by Section 552.915, Local Government  
3-17 Code.

3-18 (b-1) Notwithstanding any contrary provision of Subsection  
3-19 (b), information or records of a municipally owned utility or  
3-20 municipality that operates a chilled water program are subject to  
3-21 disclosure under this chapter if the information or records are  
3-22 reasonably related to:

3-23 (1) a municipally owned utility's rate review process;

3-24 (2) the method a municipality or municipally owned  
3-25 utility uses to set rates for retail electric service; or

3-26 (3) the method a municipality or municipally owned  
3-27 utility uses to set rates for a chilled water program described by  
3-28 Subsection (a-1)(3)(P) [~~(a-1)(2)(P)~~].

3-29 SECTION 2. Subchapter Z, Chapter 552, Local Government  
3-30 Code, is amended by adding Section 552.915 to read as follows:

3-31 Sec. 552.915. RECORDS OF MUNICIPALLY OWNED ELECTRIC UTILITY  
3-32 PROVIDING BROADBAND SERVICES. (a) In this section, "broadband  
3-33 service" has the meaning assigned by Section 181.048, Utilities  
3-34 Code.

3-35 (b) This section applies only to a municipally owned utility  
3-36 that:

3-37 (1) provides electricity and broadband services; and

3-38 (2) provided electricity services and cable,  
3-39 Internet, or broadband services on or before January 1, 2003.

3-40 (c) A municipally owned utility shall maintain separate  
3-41 books and records of broadband service operations and shall ensure  
3-42 that the rates charged for provision of electric service do not  
3-43 include any broadband service costs or any other costs not related  
3-44 to the provision of electric service.

3-45 SECTION 3. Section 552.133, Government Code, as amended by  
3-46 this Act, applies only to a request for public information received  
3-47 by a governmental body or an officer for public information on or  
3-48 after the effective date of this Act.

3-49 SECTION 4. This Act takes effect September 1, 2023.

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