

## **BILL ANALYSIS**

S.B. 732  
By: Brimer  
Regulated Industries  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, Section 51.004 of the Public Utility Regulatory Act (PURA) sets out guidelines for pricing flexibility of telecommunications services so long as they are not preferential, prejudicial, discriminatory, predatory or anticompetitive in nature. Additionally, this title allows for volume discounts, and discounts for other business purposes. SB 732 amends Section 51.004 of the Utilities Code to clarify that the Public Utility Commission does not have the authority to restrict win-back and retention offers to consumers - at any time - by incumbent local exchange companies.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SB 732 amends Section 51.004, Utilities Code, by amending subsection (a) to include the term "unreasonably."

SB 732 also adds subsection (c) to allow offers based on a reasonable business purpose, including an offer made - at any time - to a selected customer or group of customers in response to a competitor's offer or a former customer's acceptance of a competitor's offer, provided that the price of an offer meets the requirements of either Section 52.0584, Section 58.063, or Section 59.031, relating to existing statutory price floor requirements.

Lastly, SB 732 adds subsection (d) which requires that an offer made under subsection (c) be made in compliance with Chapter 43, Business and Commerce Code, relating to the Uniform Electronic Transactions Act.

### **EFFECTIVE DATE**

September 1, 2003.