

By: Turner

H.B. No. 1974

A BILL TO BE ENTITLED

1 AN ACT

2 relating to access by the Office of Public Utility Counsel to
3 records gathered by the Public Utility Commission of Texas.

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

5 SECTION 1. Section 13.003(a), Utilities Code, is amended to
6 read as follows:

7 (a) The office:

8 (1) shall assess the effect of utility rate changes
9 and other regulatory actions on residential consumers in this
10 state;

11 (2) shall advocate in the office's own name a position
12 determined by the counsellor to be most advantageous to a
13 substantial number of residential consumers;

14 (3) may appear or intervene, as a party or otherwise,
15 as a matter of right on behalf of:

16 (A) residential consumers, as a class, in any
17 proceeding before the commission, including an alternative dispute
18 resolution proceeding; and

19 (B) small commercial consumers, as a class, in
20 any proceeding in which the counsellor determines that small
21 commercial consumers are in need of representation, including an
22 alternative dispute resolution proceeding;

23 (4) may initiate or intervene as a matter of right or
24 otherwise appear in a judicial proceeding:

1 (A) that involves an action taken by an
2 administrative agency in a proceeding, including an alternative
3 dispute resolution proceeding, in which the counsellor is
4 authorized to appear; or

5 (B) in which the counsellor determines that
6 residential electricity consumers or small commercial electricity
7 consumers are in need of representation;

8 (5) is entitled to ~~[the same]~~ access ~~[as a party, other~~
9 ~~than commission staff,]~~ to records gathered by the commission
10 ~~[under Section 14.204];~~

11 (6) is entitled to discovery of any nonprivileged
12 matter that is relevant to the subject matter of a proceeding or
13 petition before the commission;

14 (7) may represent an individual residential or small
15 commercial consumer with respect to the consumer's disputed
16 complaint concerning utility services that is unresolved before the
17 commission; and

18 (8) may recommend legislation to the legislature that
19 the office determines would positively affect the interests of
20 residential and small commercial consumers.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2003.