

By: Brimer

S.B. No. 732

A BILL TO BE ENTITLED

AN ACT

relating to discounts or other forms of pricing flexibility for telecommunications services.

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

SECTION 1. Section 51.004, Utilities Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) A discount or other form of pricing flexibility may not be:

(1) unreasonably preferential, prejudicial, or discriminatory; or

(2) [] predatory~~[]~~ or anticompetitive.

(c) This title does not prohibit an offer based on a reasonable business purpose, including an offer made to a selected customer or a group of customers in response to a competitor's offer or a former customer's acceptance of a competitor's offer. A price that is set at or above the long run incremental cost of a service is presumed not to be a predatory price.

(d) An offer made under Subsection (c) must be made in compliance with Chapter 43, Business & Commerce Code, as added by Chapter 1429, Acts of the 77th Legislature, Regular Session, 2001.

SECTION 2. This Act takes effect September 1, 2003.