

1-1 By: Brimer S.B. No. 732
1-2 (In the Senate - Filed February 27, 2003; March 3, 2003,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 April 14, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 14, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 732 By: Brimer

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to discounts or other forms of pricing flexibility for
1-11 telecommunications services.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 51.004, Utilities Code, is amended by
1-14 amending Subsection (a) and adding Subsections (c) and (d) to read
1-15 as follows:

1-16 (a) A discount or other form of pricing flexibility may not
1-17 be:

1-18 (1) unreasonably preferential, prejudicial, or
1-19 discriminatory; or

1-20 (2) predatory or anticompetitive.

1-21 (c) This title allows an offer based on a reasonable
1-22 business purpose, including an offer made at any time to a selected
1-23 customer or a group of customers in response to a competitor's offer
1-24 or a former customer's acceptance of a competitor's offer if the
1-25 price of the offer meets the requirements of Section 52.0584,
1-26 58.063, or 59.031.

1-27 (d) An offer made under Subsection (c) must be made in
1-28 compliance with Chapter 43, Business & Commerce Code, as added by
1-29 Chapter 1429, Acts of the 77th Legislature, Regular Session, 2001.

1-30 SECTION 2. This Act takes effect September 1, 2003.

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