

By: Hinojosa

S.B. No. 1197

A BILL TO BE ENTITLED

AN ACT

1  
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.