

By: Solomons, Maldonado

H.B. No. 1822

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the use of certain terms by certificated
3 telecommunications utilities, retail electric providers, and
4 electric utilities in retail bills.

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

6 SECTION 1. Section 17.003(c), Utilities Code, is amended to
7 read as follows:

8 (c) The commission shall adopt and enforce rules to require
9 a certificated telecommunications utility, a retail electric
10 provider, or an electric utility to give clear, uniform, and
11 understandable information to customers about rates, terms,
12 services, customer rights, and other necessary information as
13 determined by the commission. The rules must include a list of
14 defined terms common to the telecommunications and electricity
15 industries and require that applicable terms be labeled uniformly
16 on each retail bill sent to a customer by a certificated
17 telecommunications utility, retail electric provider, or electric
18 utility to facilitate consumer understanding of relevant billing
19 elements.

20 SECTION 2. Section 17.004(a), Utilities Code, is amended to
21 read as follows:

22 (a) All buyers of telecommunications and retail electric
23 services are entitled to:

24 (1) protection from fraudulent, unfair, misleading,

1 deceptive, or anticompetitive practices, including protection from
2 being billed for services that were not authorized or provided;

3 (2) choice of a telecommunications service provider, a
4 retail electric provider, or an electric utility, where that choice
5 is permitted by law, and to have that choice honored;

6 (3) information in English and Spanish and any other
7 language as the commission deems necessary concerning rates, key
8 terms and conditions, and the basis for any claim of environmental
9 benefits of certain production facilities;

10 (4) protection from discrimination on the basis of
11 race, color, sex, nationality, religion, marital status, income
12 level, or source of income and from unreasonable discrimination on
13 the basis of geographic location;

14 (5) impartial and prompt resolution of disputes with a
15 certificated telecommunications utility, a retail electric
16 provider, or an electric utility and disputes with a
17 telecommunications service provider related to unauthorized
18 charges and switching of service;

19 (6) privacy of customer consumption and credit
20 information;

21 (7) accuracy of metering and billing;

22 (8) bills presented in a clear, readable format and
23 easy-to-understand language that uses defined terms as required by
24 commission rules adopted under Section 17.003;

25 (9) information in English and Spanish and any other
26 language as the commission deems necessary concerning low-income
27 assistance programs and deferred payment plans;

1 (10) all consumer protections and disclosures
2 established by the Fair Credit Reporting Act (15 U.S.C. Section
3 1681 et seq.) and the Truth in Lending Act (15 U.S.C. Section 1601
4 et seq.); and

5 (11) after retail competition begins as authorized by
6 the legislature, programs provided by retail electric providers
7 that offer eligible low-income customers energy efficiency
8 programs, an affordable rate package, and bill payment assistance
9 programs designed to reduce uncollectible accounts.

10 SECTION 3. Section 17.102, Utilities Code, is amended to
11 read as follows:

12 Sec. 17.102. RULES RELATING TO CHOICE. The commission
13 shall adopt and enforce rules that:

14 (1) ensure that customers are protected from deceptive
15 practices employed in obtaining authorizations of service and in
16 the verification of change orders, including negative option
17 marketing, sweepstakes, and contests that cause customers to
18 unknowingly change their telecommunications service provider,
19 retail electric provider, or electric utility, where choice is
20 permitted by law;

21 (2) provide for clear, easily understandable
22 identification, in each bill sent to a customer, of all
23 telecommunications service providers, retail electric providers,
24 or electric utilities submitting charges on the bill;

25 (3) ensure that every service provider submitting
26 charges on the bill is clearly and easily identified on the bill
27 along with its services, products, and charges, using defined terms

1 as required by commission rules adopted under Section 17.003;

2 (4) provide that unauthorized changes in service be
3 remedied at no cost to the customer within a period established by
4 the commission;

5 (5) require refunds or credits to the customer in the
6 event of an unauthorized change; and

7 (6) provide for penalties for violations of commission
8 rules adopted under this section, including fines and revocation of
9 certificates or registrations, by this action denying the
10 certificated telecommunications utility, the retail electric
11 provider, or the electric utility the right to provide service in
12 this state, except that the commission may not revoke a certificate
13 of convenience and necessity of an electric utility except as
14 provided by Section 37.059 or a certificate of convenience and
15 necessity of a telecommunications utility except as provided by
16 Section 54.008.

17 SECTION 4. Section 17.151(a), Utilities Code, is amended to
18 read as follows:

19 (a) A service provider, retail electric provider, or
20 billing agent may submit charges for a new product or service to be
21 billed on a customer's telephone or retail electric bill on or after
22 the effective date of this section only if:

23 (1) the service provider offering the product or
24 service has thoroughly informed the customer of the product or
25 service being offered, including all associated charges, and has
26 explicitly informed the customer that the associated charges for
27 the product or service will appear on the customer's telephone or

1 electric bill;

2 (2) the customer has clearly and explicitly consented
3 to obtain the product or service offered and to have the associated
4 charges appear on the customer's telephone or electric bill and the
5 consent has been verified as provided by Subsection (b); ~~and~~

6 (3) the service provider offering the product or
7 service and any billing agent for the service provider:

8 (A) has provided the customer with a toll-free
9 telephone number the customer may call and an address to which the
10 customer may write to resolve any billing dispute and to answer
11 questions; and

12 (B) has contracted with the billing utility to
13 bill for products and services on the billing utility's bill as
14 provided by Subsection (c); and

15 (4) the service provider, retail electric provider, or
16 billing agent uses defined terms on the bill as required by
17 commission rules adopted under Section 17.003.

18 SECTION 5. The Public Utility Commission of Texas shall
19 adopt rules consistent with this Act not later than December 1,
20 2009.

21 SECTION 6. This Act takes effect September 1, 2009.