

1-1 By: Solomons, et al. (Senate Sponsor - Fraser) H.B. No. 1822
1-2 (In the Senate - Received from the House March 30, 2009;
1-3 April 27, 2009, read first time and referred to Committee on
1-4 Business and Commerce; May 23, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1822 By: Fraser

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

1-10 relating to the use of certain terms by certificated
1-11 telecommunications utilities, retail electric providers, and
1-12 electric utilities in retail bills.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 17.003(c), Utilities Code, is amended to
1-15 read as follows:

1-16 (c) The commission shall adopt and enforce rules to require
1-17 a certificated telecommunications utility, a retail electric
1-18 provider, or an electric utility to give clear, uniform, and
1-19 understandable information to customers about rates, terms,
1-20 services, customer rights, and other necessary information as
1-21 determined by the commission. The rules must include a list of
1-22 defined terms common to the telecommunications and electricity
1-23 industries and require that applicable terms be labeled uniformly
1-24 in each contract and on each retail bill sent to a residential or
1-25 small commercial customer by a certificated telecommunications
1-26 utility, retail electric provider, or electric utility to
1-27 facilitate consumer understanding of relevant billing elements.

1-28 SECTION 2. Section 17.004(a), Utilities Code, is amended to
1-29 read as follows:

1-30 (a) All buyers of telecommunications and retail electric
1-31 services are entitled to:

1-32 (1) protection from fraudulent, unfair, misleading,
1-33 deceptive, or anticompetitive practices, including protection from
1-34 being billed for services that were not authorized or provided;

1-35 (2) choice of a telecommunications service provider, a
1-36 retail electric provider, or an electric utility, where that choice
1-37 is permitted by law, and to have that choice honored;

1-38 (3) information in English and Spanish and any other
1-39 language as the commission deems necessary concerning rates, key
1-40 terms and conditions, and the basis for any claim of environmental
1-41 benefits of certain production facilities;

1-42 (4) protection from discrimination on the basis of
1-43 race, color, sex, nationality, religion, marital status, income
1-44 level, or source of income and from unreasonable discrimination on
1-45 the basis of geographic location;

1-46 (5) impartial and prompt resolution of disputes with a
1-47 certificated telecommunications utility, a retail electric
1-48 provider, or an electric utility and disputes with a
1-49 telecommunications service provider related to unauthorized
1-50 charges and switching of service;

1-51 (6) privacy of customer consumption and credit
1-52 information;

1-53 (7) accuracy of metering and billing;

1-54 (8) bills presented in a clear, readable format and
1-55 easy-to-understand language that uses defined terms as required by
1-56 commission rules adopted under Section 17.003;

1-57 (9) information in English and Spanish and any other
1-58 language as the commission deems necessary concerning low-income
1-59 assistance programs and deferred payment plans;

1-60 (10) all consumer protections and disclosures
1-61 established by the Fair Credit Reporting Act (15 U.S.C. Section
1-62 1681 et seq.) and the Truth in Lending Act (15 U.S.C. Section 1601
1-63 et seq.); and

2-1 (11) after retail competition begins as authorized by
2-2 the legislature, programs provided by retail electric providers
2-3 that offer eligible low-income customers energy efficiency
2-4 programs, an affordable rate package, and bill payment assistance
2-5 programs designed to reduce uncollectible accounts.

2-6 SECTION 3. Section 17.102, Utilities Code, is amended to
2-7 read as follows:

2-8 Sec. 17.102. RULES RELATING TO CHOICE. The commission
2-9 shall adopt and enforce rules that:

2-10 (1) ensure that customers are protected from deceptive
2-11 practices employed in obtaining authorizations of service and in
2-12 the verification of change orders, including negative option
2-13 marketing, sweepstakes, and contests that cause customers to
2-14 unknowingly change their telecommunications service provider,
2-15 retail electric provider, or electric utility, where choice is
2-16 permitted by law;

2-17 (2) provide for clear, easily understandable
2-18 identification, in each bill sent to a customer, of all
2-19 telecommunications service providers, retail electric providers,
2-20 or electric utilities submitting charges on the bill;

2-21 (3) ensure that every service provider submitting
2-22 charges on the bill is clearly and easily identified on the bill
2-23 along with its services, products, and charges, using defined terms
2-24 as required by commission rules adopted under Section 17.003;

2-25 (4) provide that unauthorized changes in service be
2-26 remedied at no cost to the customer within a period established by
2-27 the commission;

2-28 (5) require refunds or credits to the customer in the
2-29 event of an unauthorized change; and

2-30 (6) provide for penalties for violations of commission
2-31 rules adopted under this section, including fines and revocation of
2-32 certificates or registrations, by this action denying the
2-33 certificated telecommunications utility, the retail electric
2-34 provider, or the electric utility the right to provide service in
2-35 this state, except that the commission may not revoke a certificate
2-36 of convenience and necessity of an electric utility except as
2-37 provided by Section 37.059 or a certificate of convenience and
2-38 necessity of a telecommunications utility except as provided by
2-39 Section 54.008.

2-40 SECTION 4. Section 17.151(a), Utilities Code, is amended to
2-41 read as follows:

2-42 (a) A service provider, retail electric provider, or
2-43 billing agent may submit charges for a new product or service to be
2-44 billed on a customer's telephone or retail electric bill on or after
2-45 the effective date of this section only if:

2-46 (1) the service provider offering the product or
2-47 service has thoroughly informed the customer of the product or
2-48 service being offered, including all associated charges, and has
2-49 explicitly informed the customer that the associated charges for
2-50 the product or service will appear on the customer's telephone or
2-51 electric bill;

2-52 (2) the customer has clearly and explicitly consented
2-53 to obtain the product or service offered and to have the associated
2-54 charges appear on the customer's telephone or electric bill and the
2-55 consent has been verified as provided by Subsection (b); ~~and~~

2-56 (3) the service provider offering the product or
2-57 service and any billing agent for the service provider:

2-58 (A) has provided the customer with a toll-free
2-59 telephone number the customer may call and an address to which the
2-60 customer may write to resolve any billing dispute and to answer
2-61 questions; and

2-62 (B) has contracted with the billing utility to
2-63 bill for products and services on the billing utility's bill as
2-64 provided by Subsection (c); and

2-65 (4) the service provider, retail electric provider, or
2-66 billing agent uses defined terms on the bill and in contracts for
2-67 residential and small commercial customers as required by
2-68 commission rules adopted under Section 17.003.

2-69 SECTION 5. The Public Utility Commission of Texas shall

3-1 adopt rules consistent with this Act not later than December 1,
3-2 2009.

3-3 SECTION 6. This Act takes effect September 1, 2009.

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