

By: Gallego, Chisum, Gonzales of Hidalgo,  
Strama, Munoz, Jr.

H.B. No. 2765

Substitute the following for H.B. No. 2765:

By: Cook

C.S.H.B. No. 2765

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the update of discounted telecommunication services  
3 provided to educational institutions, libraries, hospitals, and  
4 health centers.

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

6 SECTION 1. Section 58.252, Utilities Code, is amended by  
7 adding Subdivision (1-a) to read as follows:

8 (1-a) "Health center" means a federally qualified  
9 health center service delivery site.

10 SECTION 2. Section 58.253(a), Utilities Code, is amended to  
11 read as follows:

12 (a) On customer request, an electing company shall provide  
13 private network services to:

- 14 (1) an educational institution;  
15 (2) a library as defined in Section 57.021;  
16 (3) a nonprofit telemedicine center;  
17 (4) a public or not-for-profit hospital; ~~or~~  
18 (5) a legally constituted consortium or group of  
19 entities listed in this subsection; or  
20 (6) a nonprofit health center.

21 SECTION 3. Section 58.255(b), Utilities Code, is amended to  
22 read as follows:

23 (b) An electing company shall offer private network service  
24 contracts under this subchapter at 110 ~~[105]~~ percent of the long run

1 incremental cost of providing the private network service,  
2 including installation.

3 SECTION 4. Section 58.258(a), Utilities Code, is amended to  
4 read as follows:

5 (a) Notwithstanding the pricing flexibility authorized by  
6 this subtitle, an electing company's rates for private network  
7 services may not be increased before January 1, 2016  
8 [~~2012~~]. However, an electing company may increase a rate in  
9 accordance with the provisions of a customer specific contract.

10 SECTION 5. Section 58.259(b), Utilities Code, is amended to  
11 read as follows:

12 (b) The tariff rate may not be:  
13 (1) distance sensitive; or  
14 (2) higher than 110 [~~105~~] percent of the service's  
15 statewide average long run incremental cost, including  
16 installation.

17 SECTION 6. Section 58.260(c), Utilities Code, is amended to  
18 read as follows:

19 (c) The rate for the service may not be higher than 110 [~~105~~]  
20 percent of the service's long run incremental cost, including  
21 installation.

22 SECTION 7. Section 58.261(b), Utilities Code, is amended to  
23 read as follows:

24 (b) The rate for the service may not be higher than 110 [~~105~~]  
25 percent of the service's long run incremental cost, including  
26 installation.

27 SECTION 8. Section 58.268, Utilities Code, is amended to

1 read as follows:

2           Sec. 58.268. CONTINUATION OF OBLIGATION. Notwithstanding  
3 any other provision of this title, an electing company shall  
4 continue to comply with this subchapter until January 1, 2016  
5 [~~2012~~], regardless of:

6                   (1) the date the company elected under this chapter;  
7 or

8                   (2) any action taken in relation to that company under  
9 Chapter 65.

10           SECTION 9. Section 59.077(a), Utilities Code, is amended to  
11 read as follows:

12           (a) Notwithstanding the pricing flexibility authorized by  
13 this subtitle, an electing company's rates for private network  
14 services may not be increased before January 1, 2016 [~~2012~~].

15           SECTION 10. Section 59.083, Utilities Code, is amended to  
16 read as follows:

17           Sec. 59.083. CONTINUATION OF OBLIGATION. Notwithstanding  
18 any other provision of this title, an electing company shall  
19 continue to comply with this subchapter until January 1, 2016  
20 [~~2012~~], regardless of:

21                   (1) the date the company elected under this chapter;  
22 or

23                   (2) any action taken in relation to that company under  
24 Chapter 65.

25           SECTION 11. The changes in law made by this Act apply only  
26 to a company that elects to provide discounted services on or after  
27 the effective date of this Act. A company that elects to provide

1 discounted services before the effective date of this Act is  
2 subject to the law in effect immediately before that date, and that  
3 law is continued in effect for that purpose.

4 SECTION 12. This Act takes effect September 1, 2011.