

1-1 By: Carona, Van de Putte S.B. No. 980
1-2 (In the Senate - Filed February 28, 2011; March 8, 2011,
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1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 980 By: Carona

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

1-10 relating to communications services and markets.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsections (a) and (g), Section 51.001,
1-13 Utilities Code, are amended to read as follows:

1-14 (a) Significant changes have occurred in telecommunications
1-15 since the law from which this title is derived was originally
1-16 adopted. Communications providers, including providers not
1-17 subject to state regulation, such as wireless communications
1-18 providers and Voice over Internet Protocol providers, have made
1-19 investments in this state and broadened the range of communications
1-20 choices available to consumers. To encourage and accelerate the
1-21 development of a competitive and advanced telecommunications
1-22 environment and infrastructure, [new] rules, policies, and
1-23 principles must be reformulated [formulated and applied] to reduce
1-24 regulation of incumbent local exchange companies, ensure fair
1-25 business practices, and protect the public interest. [Changes in
1-26 technology and market structure have increased the need for minimum
1-27 standards of service quality, customer service, and fair business
1-28 practices to ensure high-quality service to customers and a healthy
1-29 marketplace where competition is permitted by law. It is the
1-30 purpose of this subtitle to grant the commission authority to make
1-31 and enforce rules necessary to protect customers of
1-32 telecommunications services consistent with the public interest.]

1-33 (g) It is the policy of this state to ensure that customers
1-34 in all regions of this state, including low-income customers and
1-35 customers in rural and high cost areas, have access to
1-36 telecommunications and information services, including
1-37 interexchange services, cable services, wireless services, and
1-38 advanced telecommunications and information services, that are
1-39 reasonably comparable to those services provided in urban areas and
1-40 that are available at prices that are reasonably comparable to
1-41 prices charged for similar services in urban areas. ~~[Not later than~~
1-42 ~~November 1, 1999, the commission shall begin a review and~~
1-43 ~~evaluation of the availability and the pricing of~~
1-44 ~~telecommunications and information services, including~~
1-45 ~~interexchange services, cable services, wireless services, and~~
1-46 ~~advanced telecommunications and information services, in rural and~~
1-47 ~~high cost areas, as well as the convergence of telecommunications~~
1-48 ~~services. The commission shall file a report with the legislature~~
1-49 ~~not later than January 1, 2001. The report must include the~~
1-50 ~~commission's recommendations on the issues reviewed and~~
1-51 ~~evaluated.]~~

1-52 SECTION 2. Section 51.002, Utilities Code, is amended by
1-53 adding Subdivisions (3-a) and (13) to read as follows:

1-54 (3-a) "Internet Protocol enabled service" means a
1-55 service, capability, functionality, or application that uses
1-56 Internet Protocol or a successor protocol to allow an end user to
1-57 send or receive a data, video, or voice communication in Internet
1-58 Protocol or a successor protocol.

1-59 (13) "Voice over Internet Protocol service" means a
1-60 service that:

1-61 (A) uses Internet Protocol or a successor
1-62 protocol to enable a real-time, two-way voice communication that
1-63 originates from or terminates to the user's location in Internet

2-1 Protocol or a successor protocol;
 2-2 (B) requires a broadband connection from the
 2-3 user's location; and

2-4 (C) permits a user generally to receive a call
 2-5 that originates on the public switched telephone network and to
 2-6 terminate a call to the public switched telephone network.

2-7 SECTION 3. Section 52.002, Utilities Code, is amended by
 2-8 adding Subsections (c) and (d) to read as follows:

2-9 (c) The commission may not require a telecommunications
 2-10 utility that is not a public utility, including a deregulated or
 2-11 transitioning company, to comply with a requirement or standard
 2-12 that is more burdensome than a requirement or standard the
 2-13 commission imposes on a public utility.

2-14 (d) Notwithstanding any other law, a department, agency, or
 2-15 political subdivision of this state may not by rule, order, or other
 2-16 means directly or indirectly regulate rates charged for, service or
 2-17 contract terms for, conditions for, or requirements for entry into
 2-18 the market for Voice over Internet Protocol services or other
 2-19 Internet Protocol enabled services. This subsection does not:

2-20 (1) affect requirements pertaining to use of a
 2-21 right-of-way or payment of right-of-way fees applicable to Voice
 2-22 over Internet Protocol services under Chapter 283, Local Government
 2-23 Code;

2-24 (2) affect any person's obligation to provide video or
 2-25 cable service, as defined under applicable state or federal law;

2-26 (3) require or prohibit assessment of enhanced 9-1-1,
 2-27 relay access service, or universal service fund fees on Voice over
 2-28 Internet Protocol service;

2-29 (4) affect any entity's obligations under Sections 251
 2-30 and 252, Communications Act of 1934 (47 U.S.C. Sections 251 and
 2-31 252), or a right granted to an entity by those sections;

2-32 (5) affect any applicable wholesale tariff;

2-33 (6) grant, modify, or affect the authority of the
 2-34 commission to implement, carry out, or enforce the rights or
 2-35 obligations provided by Sections 251 and 252, Communications Act of
 2-36 1934 (47 U.S.C. Sections 251 and 252), or of an applicable wholesale
 2-37 tariff through arbitration proceedings or other available
 2-38 mechanisms and procedures;

2-39 (7) require or prohibit payment of switched network
 2-40 access rates or other intercarrier compensation rates, as
 2-41 applicable;

2-42 (8) limit any commission authority over the subjects
 2-43 listed in Subdivisions (1)-(7) or grant the commission any
 2-44 authority over those subjects; or

2-45 (9) affect the assessment or collection of a tax or fee
 2-46 over which the comptroller has authority.

2-47 SECTION 4. Subchapter A, Chapter 52, Utilities Code, is
 2-48 amended by adding Section 52.007 to read as follows:

2-49 Sec. 52.007. TARIFF REQUIREMENTS RELATING TO PROVIDERS NOT
 2-50 SUBJECT TO RATE OF RETURN REGULATION. (a) This section applies
 2-51 only to a telecommunications provider that is not subject to rate of
 2-52 return regulation under Chapter 53.

2-53 (b) A telecommunications provider:

2-54 (1) may, but is not required to, maintain on file with
 2-55 the commission tariffs, price lists, or customer service agreements
 2-56 governing the terms of providing service;

2-57 (2) may make changes in its tariffs, price lists, and
 2-58 customer service agreements in relation to services that are not
 2-59 subject to regulation without commission approval; and

2-60 (3) may cross-reference its federal tariff in its
 2-61 state tariff if the provider's intrastate switched access rates are
 2-62 the same as the provider's interstate switched access rates.

2-63 (c) A telecommunications provider may withdraw a tariff,
 2-64 price list, or customer service agreement not required to be filed
 2-65 or maintained with the commission under this section if the
 2-66 telecommunications provider:

2-67 (1) files written notice of the withdrawal with the
 2-68 commission; and

2-69 (2) notifies its customers of the withdrawal and posts

3-1 the current tariffs, price lists, or generic customer service
 3-2 agreements on the telecommunications provider's Internet website.

3-3 (d) The commission may not require a telecommunications
 3-4 provider to withdraw a tariff, price list, or customer service
 3-5 agreement.

3-6 (e) This section does not affect the authority of the
 3-7 commission to regulate wholesale services, or administer or enforce
 3-8 Chapter 56 or any other applicable regulation permitted or required
 3-9 under this title.

3-10 SECTION 5. Section 52.056, Utilities Code, is amended to
 3-11 read as follows:

3-12 Sec. 52.056. SPECIFICALLY AUTHORIZED REGULATORY
 3-13 TREATMENTS. The regulatory treatments the commission may implement
 3-14 under Section 52.054 include:

3-15 (1) approval of a range of rates for a specific
 3-16 service; and

3-17 ~~(2) [approval of a customer-specific contract for a~~
 3-18 ~~specific service; and~~

3-19 ~~[(3)]~~ the detariffing of rates.

3-20 SECTION 6. Subsection (b), Section 54.251, Utilities Code,
 3-21 is amended to read as follows:

3-22 (b) Except as specifically determined otherwise by the
 3-23 commission under this subchapter or Subchapter G of this chapter,
 3-24 and except as provided by Subchapters C and D, Chapter 65, the
 3-25 holder of a certificate of convenience and necessity ~~[, or the~~
 3-26 ~~holder of a certificate of operating authority issued under Chapter~~
 3-27 ~~65,]~~ for an area has the obligations of a provider of last resort
 3-28 regardless of whether another provider has a certificate of
 3-29 operating authority or service provider certificate of operating
 3-30 authority for that area.

3-31 SECTION 7. Section 54.3015, Utilities Code, is amended to
 3-32 read as follows:

3-33 Sec. 54.3015. APPLICABILITY OF SUBCHAPTER. This subchapter
 3-34 applies to a transitioning company ~~[holder of a certificate of~~
 3-35 ~~operating authority issued]~~ under Chapter 65 in relation to its
 3-36 regulated exchanges in the same manner and to the same extent this
 3-37 subchapter applies to a holder of a certificate of convenience and
 3-38 necessity.

3-39 SECTION 8. Subchapter B, Chapter 55, Utilities Code, is
 3-40 amended by adding Section 55.026 to read as follows:

3-41 Sec. 55.026. NEW ORDERS PROHIBITED AFTER CERTAIN DATE. On
 3-42 or after September 1, 2011, the commission may not require a
 3-43 telecommunications provider to provide mandatory or optional
 3-44 extended area service to additional metropolitan areas or calling
 3-45 areas.

3-46 SECTION 9. Subchapter C, Chapter 55, Utilities Code, is
 3-47 amended by adding Section 55.049 to read as follows:

3-48 Sec. 55.049. EXPANSION PROHIBITED AFTER CERTAIN DATE. On
 3-49 or after September 1, 2011, the commission may not order an
 3-50 expansion of a toll-free local calling area.

3-51 SECTION 10. Subsection (d), Section 56.023, Utilities Code,
 3-52 is amended to read as follows:

3-53 (d) The commission shall adopt rules for the administration
 3-54 of the universal service fund and this chapter and may act as
 3-55 necessary and convenient to administer the fund and this chapter.
 3-56 The rules must include procedures to ensure reasonable transparency
 3-57 and accountability in the administration of the universal service
 3-58 fund.

3-59 SECTION 11. Subchapter B, Chapter 56, Utilities Code, is
 3-60 amended by adding Section 56.032 to read as follows:

3-61 Sec. 56.032. SUPPORT AVAILABLE TO DEREGULATED MARKETS.
 3-62 (a) An incumbent local exchange company may not receive support
 3-63 from the universal service fund for a deregulated market that has a
 3-64 population of at least 30,000.

3-65 (b) An incumbent local exchange company may receive support
 3-66 from the universal service fund for a deregulated market that has a
 3-67 population of less than 30,000 only if the company demonstrates to
 3-68 the commission that the company needs the support to provide basic
 3-69 local telecommunications service at reasonable rates in the

4-1 affected market. A company may use evidence from outside the
 4-2 affected market to make the demonstration.

4-3 (c) An incumbent local exchange company may make the
 4-4 demonstration described by Subsection (b) in relation to a market
 4-5 before submitting a petition to deregulate the market.

4-6 SECTION 12. Subsection (c), Section 58.255, Utilities Code,
 4-7 is amended to read as follows:

4-8 ~~(c) [Each contract shall be filed with the commission.]~~
 4-9 Commission approval of a contract is not required.

4-10 SECTION 13. Subsection (c), Section 59.074, Utilities Code,
 4-11 is amended to read as follows:

4-12 ~~(c) [Each contract shall be filed with the commission.]~~
 4-13 Commission approval of a contract is not required.

4-14 SECTION 14. Section 65.051, Utilities Code, is amended to
 4-15 read as follows:

4-16 Sec. 65.051. MARKETS DEREGULATED. A market that is
 4-17 deregulated as of September 1, 2011, shall remain deregulated.
 4-18 Notwithstanding any other provision of this title, the commission
 4-19 may not reregulate a market or company that has been deregulated
 4-20 [~~(a) Except as provided by Subsection (b), all markets of all~~
 4-21 ~~incumbent local exchange companies are deregulated on January 1,~~
 4-22 ~~2006, unless the commission determines under Section 65.052(a) that~~
 4-23 ~~a market or markets should remain regulated.~~

4-24 ~~[(b) A market of an incumbent local exchange company in~~
 4-25 ~~which the population in the area included in the market is less than~~
 4-26 ~~30,000 is deregulated on January 1, 2007, unless the commission~~
 4-27 ~~determines under Section 65.052(f) that the market should remain~~
 4-28 ~~regulated].~~

4-29 SECTION 15. Subsections (a), (b), and (c), Section 65.052,
 4-30 Utilities Code, are amended to read as follows:

4-31 (a) An incumbent local exchange company may petition the
 4-32 commission to deregulate a market of the company that the
 4-33 commission previously determined should remain regulated.
 4-34 Notwithstanding any other provision of this title, only the
 4-35 incumbent local exchange company may initiate a proceeding to
 4-36 deregulate one of the company's markets. Not later than the 90th
 4-37 day after the date the commission receives the petition, [~~Except as~~
 4-38 ~~provided by Subsection (f),~~] the commission shall:

4-39 (1) determine whether the regulated [~~each~~] market [~~of~~
 4-40 ~~an incumbent local exchange company] should remain regulated [~~on~~~~
 4-41 ~~and after January 1, 2006]; and~~

4-42 (2) issue a final order classifying the market
 4-43 [~~company] in accordance with this section [~~effective January 1,~~~~
 4-44 ~~2006].~~

4-45 (b) In making a determination under Subsection (a), the
 4-46 commission may not determine that a market should remain regulated
 4-47 if:

4-48 (1) the population in the area included in the market
 4-49 is at least 100,000; or

4-50 (2) the population in the area included in the market
 4-51 is [~~at least 30,000 but~~] less than 100,000 and, in addition to the
 4-52 incumbent local exchange company, there are at least two
 4-53 competitors operating in all or part of the market that [~~three~~
 4-54 ~~competitors of which]:~~

4-55 (A) are unaffiliated with the incumbent local
 4-56 exchange company [~~at least one is a telecommunications provider~~
 4-57 ~~that holds a certificate of operating authority or service provider~~
 4-58 ~~certificate of operating authority and provides residential local~~
 4-59 ~~exchange telephone service in the market]; and~~

4-60 (B) provide voice communications service without
 4-61 regard to the delivery technology, including through:

4-62 (i) Internet Protocol or a successor
 4-63 protocol;

4-64 (ii) satellite; or

4-65 (iii) a technology used by a wireless
 4-66 provider or a commercial mobile service provider, as that term is
 4-67 defined by Section 64.201 [~~at least one is an entity providing~~
 4-68 ~~residential telephone service in the market using facilities that~~
 4-69 ~~the entity or its affiliate owns; and~~

5-1 ~~[(C) at least one is a provider in that market of~~
 5-2 ~~commercial mobile service as defined by Section 332(d),~~
 5-3 ~~Communications Act of 1934 (47 U.S.C. Section 151 et seq.), Federal~~
 5-4 ~~Communications Commission rules, and the Omnibus Budget~~
 5-5 ~~Reconciliation Act of 1993 (Pub. L. No. 103-66), that is not~~
 5-6 ~~affiliated with the incumbent local exchange company].~~

5-7 (c) If the commission deregulates a market under this
 5-8 section and the deregulation results in a regulated or
 5-9 transitioning company no longer meeting the definition of a
 5-10 regulated or transitioning company, the commission shall issue an
 5-11 order reclassifying the company as a transitioning company or
 5-12 deregulated company, as those terms are defined by Section 65.002
 5-13 ~~[The commission shall issue an order classifying an incumbent local~~
 5-14 ~~exchange company as a deregulated company that is subject to~~
 5-15 ~~Subchapter C if:~~

5-16 ~~[(1) the company does not have any markets in which the~~
 5-17 ~~population in the area included in the market is less than 30,000,~~
 5-18 ~~and~~

5-19 ~~[(2) the commission does not determine that a market~~
 5-20 ~~of the company should remain regulated on and after January 1,~~
 5-21 ~~2006].~~

5-22 SECTION 16. Section 65.102, Utilities Code, is amended to
 5-23 read as follows:

5-24 Sec. 65.102. REQUIREMENTS. (a) A deregulated company that
 5-25 holds a certificate of operating authority issued under this
 5-26 subchapter:

5-27 (1) is a nondominant carrier governed in the same
 5-28 manner as a holder of a certificate of operating authority issued
 5-29 under Chapter 54;

5-30 (2) is not required to:

5-31 (A) fulfill the obligations of a provider of last
 5-32 resort;

5-33 (B) comply with retail quality of service
 5-34 standards or reporting requirements;

5-35 (C) file an earnings report with the commission
 5-36 unless the company is receiving support from the Texas High Cost
 5-37 Universal Service Plan; or

5-38 (D) comply with a pricing requirement other than
 5-39 a requirement prescribed by this subchapter; and

5-40 ~~(3) [except that the deregulated company:~~

5-41 ~~[(1) retains the obligations of a provider of last~~
 5-42 ~~resort under Chapter 54;~~

5-43 ~~[(2)] is subject to the following provisions in the~~
 5-44 ~~same manner as an incumbent local exchange company that is not~~
 5-45 ~~deregulated:~~

5-46 (A) Sections 54.156, 54.158, and 54.159;

5-47 (B) Section 55.012; and

5-48 (C) Chapter 60 ~~and~~

5-49 ~~[(3) may not increase the company's rates for~~
 5-50 ~~stand-alone residential local exchange voice service before the~~
 5-51 ~~date that the commission has the opportunity to revise the monthly~~
 5-52 ~~per line support under the Texas High Cost Universal Service Plan~~
 5-53 ~~pursuant to Section 56.031, regardless of whether the company is an~~
 5-54 ~~electing company under Chapter 58].~~

5-55 (b) Except as provided by Subsection (c), in [In] each
 5-56 deregulated market, a deregulated company shall make available to
 5-57 all residential customers uniformly throughout that market the same
 5-58 price, terms, and conditions for all basic and non-basic services,
 5-59 consistent with any pricing flexibility available to such company
 5-60 [on or before August 31, 2005].

5-61 (c) A deregulated company may offer to an individual
 5-62 residential customer a promotional offer that is not available
 5-63 uniformly throughout the market if the company makes the offer
 5-64 through a medium other than direct mail or mass electronic media and
 5-65 the offer is intended to retain or obtain a customer.

5-66 SECTION 17. Section 65.151, Utilities Code, is amended to
 5-67 read as follows:

5-68 Sec. 65.151. PROVISIONS APPLICABLE TO TRANSITIONING
 5-69 COMPANY. (a) Except as provided by Subsection (b), a [A]

6-1 transitioning company is governed by this subchapter and the
 6-2 provisions of this title that applied to the company immediately
 6-3 before the date the company was classified as a transitioning
 6-4 company. If there is a conflict between this subchapter and the
 6-5 other applicable provisions of this title, this subchapter
 6-6 controls.

6-7 (b) A transitioning company is not required to fulfill the
 6-8 obligations of a provider of last resort in a deregulated market.

6-9 SECTION 18. Section 65.152, Utilities Code, is amended to
 6-10 read as follows:

6-11 Sec. 65.152. GENERAL REQUIREMENTS. (a) A transitioning
 6-12 company may:

6-13 (1) exercise pricing flexibility in a market subject
 6-14 only to the price and rate standards prescribed by Sections 65.153
 6-15 and 65.154 [in the manner provided by Section 58.063 one day after
 6-16 providing an informational notice as required by that section]; and

6-17 (2) introduce a new service in a market subject only to
 6-18 the price and rate standards prescribed by Sections 65.153 and
 6-19 65.154 [in the manner provided by Section 58.153 one day after
 6-20 providing an informational notice as required by that section].

6-21 (b) A transitioning company may not be required to:

6-22 (1) comply with [~~exchange-specific~~] retail quality of
 6-23 service standards or reporting requirements in a market that is
 6-24 deregulated; or

6-25 (2) file an earnings report with the commission unless
 6-26 the company is receiving support from the Texas High Cost Universal
 6-27 Service Plan.

6-28 SECTION 19. Section 65.153, Utilities Code, is amended by
 6-29 amending Subsection (c) and adding Subsection (c-1) to read as
 6-30 follows:

6-31 (c) Except as provided by Subsection (c-1), in [In] each
 6-32 deregulated market, a transitioning company shall make available to
 6-33 all residential customers uniformly throughout that market the same
 6-34 price, terms, and conditions for all basic and non-basic services,
 6-35 consistent with any pricing flexibility available to such company
 6-36 [on or before August 31, 2005].

6-37 (c-1) A transitioning company may offer to an individual
 6-38 residential customer a promotional offer that is not available
 6-39 uniformly throughout the market if the company makes the offer
 6-40 through a medium other than direct mail or mass electronic media and
 6-41 the offer is intended to retain or obtain a customer.

6-42 SECTION 20. Subchapter D, Chapter 65, Utilities Code, is
 6-43 amended by adding Sections 65.154 and 65.155 to read as follows:

6-44 Sec. 65.154. RATE AND PRICE REQUIREMENTS NOT APPLICABLE.

6-45 (a) A transitioning company is not required to comply with the
 6-46 following requirements prescribed by this title on submission of a
 6-47 written notice to the commission:

6-48 (1) a direct or indirect requirement to price a
 6-49 residential service at, above, or according to the long-run
 6-50 incremental cost of the service or to otherwise use long-run
 6-51 incremental cost in establishing prices for residential services;
 6-52 or

6-53 (2) a requirement to file with the commission a
 6-54 long-run incremental cost study for residential or business
 6-55 services.

6-56 (b) Notwithstanding Subsection (a), a transitioning company
 6-57 may not:

6-58 (1) establish a retail rate, price, term, or condition
 6-59 that is anticompetitive or unreasonably preferential, prejudicial,
 6-60 or discriminatory;

6-61 (2) establish a retail rate for a basic or non-basic
 6-62 service in a deregulated market that is subsidized either directly
 6-63 or indirectly by a basic or non-basic service provided in an
 6-64 exchange that is not deregulated; or

6-65 (3) engage in predatory pricing or attempt to engage
 6-66 in predatory pricing.

6-67 (c) A rate or price for a basic local telecommunications
 6-68 service is not anticompetitive, predatory, or unreasonably
 6-69 preferential, prejudicial, or discriminatory if the rate or price

7-1 is equal to or greater than the rate or price in the transitioning
7-2 company's tariff for that service in effect on the date the
7-3 transitioning company submits notice to the commission under
7-4 Subsection (a).

7-5 (d) This section, including Subsection (a)(1), does not
7-6 affect:

7-7 (1) other law or legal standards governing predatory
7-8 pricing or anticompetitive conduct; or

7-9 (2) an infrastructure commitment under Chapter 58 or
7-10 59.

7-11 Sec. 65.155. COMPLAINT BY AFFECTED PERSON. (a) An
7-12 affected person may file a complaint at the commission challenging
7-13 whether a transitioning company is complying with Section
7-14 65.154(b).

7-15 (b) Notwithstanding Section 65.154(a)(2), the commission
7-16 may require a transitioning company to submit a long-run
7-17 incremental cost study for a business service that is the subject of
7-18 a complaint submitted under Subsection (a).

7-19 SECTION 21. The following provisions of the Utilities Code
7-20 are repealed:

- 7-21 (1) Section 52.057;
- 7-22 (2) Subsection (b), Section 53.065;
- 7-23 (3) Subsections (d), (e), and (f), Section 65.052;
- 7-24 (4) Section 65.054; and
- 7-25 (5) Section 65.055.

7-26 SECTION 22. (a) In this section, "commission" means the
7-27 Public Utility Commission of Texas.

7-28 (b) Not earlier than January 2, 2012, the commission shall
7-29 initiate one or more proceedings to review and evaluate whether the
7-30 universal service fund accomplishes the fund's purposes, as
7-31 prescribed by Section 56.021, Utilities Code, or whether changes
7-32 are necessary to accomplish those purposes.

7-33 (c) The commission has all authority necessary to conduct
7-34 the review, including determining issues relevant to each
7-35 telecommunications provider's need for universal service fund
7-36 support, adjusting monthly per line support amounts under Section
7-37 56.031, Utilities Code, and implementing any other changes it
7-38 determines are necessary and in the public interest.

7-39 (d) Notwithstanding Subsection (b), Section 56.024,
7-40 Utilities Code, a party to a commission proceeding examining the
7-41 universal service fund is entitled to access confidential
7-42 information provided to the commission under Subsection (a),
7-43 Section 56.024, Utilities Code, if a protective order is issued for
7-44 the confidential information in the proceeding.

7-45 (e) The commission shall complete each proceeding required
7-46 by this section not later than November 1, 2012. The commission
7-47 shall provide to the legislature a copy of the commission's
7-48 findings and of any orders issued under this section.

7-49 SECTION 23. (a) Except as provided by Subsection (b) of
7-50 this section, this Act takes effect September 1, 2011.

7-51 (b) Sections 56.032, 65.154, and 65.155, Utilities Code, as
7-52 added by this Act, take effect January 2, 2012.

7-53 * * * * *