

By: Miller of Comal

H.B. No. 2689

A BILL TO BE ENTITLED

AN ACT

relating to requirements for a partially deregulated telecommunications cooperative to offer certain services or make changes in its rates or tariffs.

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

SECTION 1. Section 53.354, Utilities Code, is amended to read as follows:

Sec. 53.354. PROCEDURE TO OFFER CERTAIN SERVICES OR MAKE CERTAIN CHANGES. After the initial balloting, a cooperative may offer extended local calling services, offer new services on an optional basis, or make changes in its rates or tariffs if the cooperative:

(1) files a statement of intent under Section 53.355; and

(2) provides notice of the proposed action to each customer and municipality as prescribed by Section 53.356~~[, and~~

~~[(3) files with the commission affidavits verifying that notice was provided as prescribed by Section 53.357].~~

SECTION 2. Section 53.355, Utilities Code, is amended to read as follows:

Sec. 53.355. STATEMENT OF INTENT. (a) A cooperative must file a statement of intent to use this subchapter with the commission and the office not later than the 31st ~~[61st]~~ day before the effective date of the proposed change.

(b) The statement must include:

(1) a copy of a resolution, signed by a majority of the members of the cooperative's board of directors, approving the proposed action and authorizing the filing of the statement of intent;

(2) a description of the services affected by the proposed action; and

(3) a copy of the proposed tariff for the affected service[~~, and~~

~~(4) a copy of the customer notice required by Section 53.356].~~

SECTION 3. Section 53.356, Utilities Code, is amended to read as follows:

Sec. 53.356. NOTICE TO AFFECTED PERSONS. (a) The cooperative shall provide to each affected customer or party, including a municipality, notice [~~at least two notices~~] of the proposed action by bill insert, electronic bill message, or by individual notice.

(b) The cooperative shall provide[~~,~~

~~(1) the first]~~ notice not later than the seventh [~~61st day before the effective date of the proposed action, and~~

~~(2) the last notice not later than the 31st]~~ day before the effective date of the proposed action.

(c) A notice prescribed by this section must include or refer the customer to an Internet website that includes:

(1) a description of the services affected by the proposed action;

(2) the effective date of the proposed action; and

(3) ~~[an explanation of the customer's right to:~~

~~[(A) obtain a copy of the proposed tariff from
the cooperative, and~~

~~[(B) petition the commission for a review under
Section 53.358,~~

~~[(4) a statement of the amount by which the
cooperative's total gross annual revenues will increase or decrease
and a statement explaining the effect on the cooperative revenues
as a result of the proposed action, and~~

~~[(5)] a list of rates that are affected by the proposed
rate action, showing the effect of the proposed action on each of
those rates.~~

SECTION 4. Section 53.358(a), Utilities Code, is amended to
read as follows:

(a) The commission shall review a proposed action filed
under this subchapter if:

(1) ~~[the commission receives, not later than the 45th
day after the date the first notice is provided under Section
53.356, complaints relating to the proposed action:~~

~~[(A) signed by at least five percent of the
affected local service customers, or~~

~~[(B) from an affected intrastate access
customer, or group of affected intrastate access customers, that in
the preceding 12 months accounted for more than 10 percent of the
cooperative's total intrastate access revenues,~~

~~[(2)] the cooperative does not comply with the~~

1 procedural requirements of this subchapter; or

2 (2) [~~(3)~~] the proposed action is inconsistent with the
3 commission's substantive policies as expressed in its rules.

4 SECTION 5. Section 53.357, Utilities Code, is repealed.

5 SECTION 6. The change in law made by this Act applies only
6 to a statement of intent filed with the Public Utility Commission of
7 Texas and the Office of Public Utility Counsel on or after the
8 effective date of this Act. A statement of intent filed before that
9 date is governed by the law in effect on the date on which the
10 statement was filed, and that law is continued in effect for that
11 purpose.

12 SECTION 7. This Act takes effect September 1, 2015.