

By: Campbell

S.B. No. 1722

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to requirements for a partially deregulated  
3 telecommunications cooperative to offer certain services or make  
4 changes in its rates or tariffs.

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

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

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

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

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

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

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

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

1 (b) The statement must include:

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

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

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

10 [~~(4) a copy of the customer notice required by Section~~  
11 ~~53.356~~].

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

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

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

20 [~~(1) the first~~] notice not later than the seventh  
21 [~~61st day before the effective date of the proposed action, and~~

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

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

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

- 1           (2) the effective date of the proposed action; and  
2           (3) ~~[an explanation of the customer's right to:~~  
3                 ~~[(A) obtain a copy of the proposed tariff from~~  
4 ~~the cooperative, and~~  
5                 ~~[(B) petition the commission for a review under~~  
6 ~~Section 53.358,~~  
7           ~~[(4) a statement of the amount by which the~~  
8 ~~cooperative's total gross annual revenues will increase or decrease~~  
9 ~~and a statement explaining the effect on the cooperative revenues~~  
10 ~~as a result of the proposed action, and~~  
11           ~~[(5)] a list of rates that are affected by the proposed~~  
12 ~~rate action, showing the effect of the proposed action on each of~~  
13 ~~those rates.~~

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

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

18           (1) ~~[the commission receives, not later than the 45th~~  
19 ~~day after the date the first notice is provided under Section~~  
20 ~~53.356, complaints relating to the proposed action:~~

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

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

27           ~~[(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.