

By: Bernal, Howard, Lopez, Minjarez,  
Hernandez

H.B. No. 872

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure of certain utility customer information.

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

SECTION 1. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.1331 to read as follows:

Sec. 552.1331. EXCEPTION: CERTAIN GOVERNMENT-OPERATED UTILITY CUSTOMER INFORMATION. (a) In this section:

(1) "Advanced metering system" means a utility metering system that collects data at regular intervals through the use of an automated wireless or radio network.

(2) "Government-operated utility" has the meaning assigned by Section 182.051, Utilities Code.

(b) Except as provided by Subsection (c) of this section and Section 182.052, Utilities Code, information maintained by a government-operated utility is excepted from the requirements of Section 552.021 if it is information that:

(1) is collected as part of an advanced metering system for usage, services, and billing, including amounts billed or collected for utility usage; or

(2) reveals whether:

(A) an account is delinquent or eligible for disconnection; or

(B) services have been discontinued by the government-operated utility.

1 (c) A government-operated utility must disclose information  
2 described by Subsection (b)(1) to a customer of the utility or a  
3 representative of the customer if the information directly relates  
4 to utility services provided to the customer and is not  
5 confidential under law.

6 SECTION 2. The heading to Subchapter B, Chapter 182,  
7 Utilities Code, is amended to read as follows:

8 SUBCHAPTER B. DISCLOSURE [~~CONFIDENTIALITY~~] OF CUSTOMER  
9 INFORMATION

10 SECTION 3. The heading to Section 182.052, Utilities Code,  
11 is amended to read as follows:

12 Sec. 182.052. DISCLOSURE [~~CONFIDENTIALITY~~] OF PERSONAL  
13 INFORMATION.

14 SECTION 4. Sections 182.052(a), (b), (c), and (d),  
15 Utilities Code, are amended to read as follows:

16 (a) Except as provided by Section 182.054, a  
17 government-operated utility may not disclose personal information  
18 in a customer's account record, or any information relating to the  
19 volume or units of utility usage or the amounts billed to or  
20 collected from the individual for utility usage, unless [~~if~~] the  
21 customer requests that the government-operated utility disclose  
22 [~~keep~~] the information [~~confidential~~]. [~~However, a~~  
23 ~~government-operated utility may disclose information related to~~  
24 ~~the customer's volume or units of utility usage or amounts billed to~~  
25 ~~or collected from the individual for utility usage if the primary~~  
26 ~~source of water for such utility was a sole-source designated~~  
27 ~~aquifer.~~]

1 (b) A customer may request disclosure of information  
2 described by Subsection (a) [~~confidentiality~~] by delivering to the  
3 government-operated utility an appropriately marked form provided  
4 under Subsection (c)(2) [~~(c)(3)~~] or any other written request for  
5 disclosure [~~confidentiality~~].

6 (c) A government-operated utility shall include with a bill  
7 sent to each customer or shall post on the utility's Internet  
8 website:

9 (1) a notice of the customer's right to request  
10 disclosure [~~confidentiality~~] under this section [~~subchapter~~]; and

11 (2) [~~a statement of the amount of any fee applicable to~~  
12 ~~the request, and~~

13 [~~(3)~~] a form by which the customer may request  
14 disclosure [~~confidentiality~~] by marking an appropriate box on the  
15 form and returning it to the government-operated utility, either by  
16 mail or electronically.

17 (d) A customer may rescind a request for disclosure under  
18 this section [~~confidentiality~~] by providing the  
19 government-operated utility a written request to withhold the  
20 customer's [~~permission to disclose~~] personal information beginning  
21 on the date the utility receives the request.

22 SECTION 5. Section 13.043(b-2), Water Code, is amended to  
23 read as follows:

24 (b-2) Unless [~~If~~] a ratepayer has requested that a  
25 municipally owned utility disclose [~~keep~~] the ratepayer's personal  
26 information [~~confidential~~] under Section 182.052, Utilities Code,  
27 the municipally owned utility may not disclose the address of the

1 ratepayer under Subsection (b-1)(2).

2 SECTION 6. Section 182.053, Utilities Code, is repealed.

3 SECTION 7. Section 552.1331, Government Code, as added by  
4 this Act, applies only to a request for public information received  
5 by a governmental body or officer for public information on or after  
6 the effective date of this Act.

7 SECTION 8. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2021.