

1 AN ACT

2 relating to certain rates charged by and programs offered by  
3 municipally owned utilities.

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

5 SECTION 1. Section 552.133, Government Code, is amended by  
6 amending Subsection (a-1) and adding Subsection (b-1) to read as  
7 follows:

8 (a-1) For purposes of this section, "competitive matter"  
9 means a utility-related matter that is related to the public power  
10 utility's competitive activity, including commercial information,  
11 and would, if disclosed, give advantage to competitors or  
12 prospective competitors. The term:

13 (1) means a matter that is reasonably related to the  
14 following categories of information:

15 (A) generation unit specific and portfolio fixed  
16 and variable costs, including forecasts of those costs, capital  
17 improvement plans for generation units, and generation unit  
18 operating characteristics and outage scheduling;

19 (B) bidding and pricing information for  
20 purchased power, generation and fuel, and Electric Reliability  
21 Council of Texas bids, prices, offers, and related services and  
22 strategies;

23 (C) effective fuel and purchased power  
24 agreements and fuel transportation arrangements and contracts;

1 (D) risk management information, contracts, and  
2 strategies, including fuel hedging and storage;

3 (E) plans, studies, proposals, and analyses for  
4 system improvements, additions, or sales, other than transmission  
5 and distribution system improvements inside the service area for  
6 which the public power utility is the sole certificated retail  
7 provider; and

8 (F) customer billing, contract, and usage  
9 information, electric power pricing information, system load  
10 characteristics, and electric power marketing analyses and  
11 strategies; and

12 (2) does not include the following categories of  
13 information:

14 (A) information relating to the provision of  
15 distribution access service, including the terms and conditions of  
16 the service and the rates charged for the service but not including  
17 information concerning utility-related services or products that  
18 are competitive;

19 (B) information relating to the provision of  
20 transmission service that is required to be filed with the Public  
21 Utility Commission of Texas, subject to any confidentiality  
22 provided for under the rules of the commission;

23 (C) information for the distribution system  
24 pertaining to reliability and continuity of service, to the extent  
25 not security-sensitive, that relates to emergency management,  
26 identification of critical loads such as hospitals and police,  
27 records of interruption, and distribution feeder standards;

1 (D) any substantive rule or tariff of general  
2 applicability regarding rates, service offerings, service  
3 regulation, customer protections, or customer service adopted by  
4 the public power utility as authorized by law;

5 (E) aggregate information reflecting receipts or  
6 expenditures of funds of the public power utility, of the type that  
7 would be included in audited financial statements;

8 (F) information relating to equal employment  
9 opportunities for minority groups, as filed with local, state, or  
10 federal agencies;

11 (G) information relating to the public power  
12 utility's performance in contracting with minority business  
13 entities;

14 (H) information relating to nuclear  
15 decommissioning trust agreements, of the type required to be  
16 included in audited financial statements;

17 (I) information relating to the amount and timing  
18 of any transfer to an owning city's general fund;

19 (J) information relating to environmental  
20 compliance as required to be filed with any local, state, or  
21 national environmental authority, subject to any confidentiality  
22 provided under the rules of those authorities;

23 (K) names of public officers of the public power  
24 utility and the voting records of those officers for all matters  
25 other than those within the scope of a competitive resolution  
26 provided for by this section;

27 (L) a description of the public power utility's

1 central and field organization, including the established places at  
2 which the public may obtain information, submit information and  
3 requests, or obtain decisions and the identification of employees  
4 from whom the public may obtain information, submit information or  
5 requests, or obtain decisions;

6 (M) information identifying the general course  
7 and method by which the public power utility's functions are  
8 channeled and determined, including the nature and requirements of  
9 all formal and informal policies and procedures;

10 (N) salaries and total compensation of all  
11 employees of a public power utility; ~~or~~

12 (O) information publicly released by the  
13 Electric Reliability Council of Texas in accordance with a law,  
14 rule, or protocol generally applicable to similarly situated market  
15 participants; or

16 (P) information related to a chilled water  
17 program, as defined by Section 11.003, Utilities Code.

18 (b-1) Notwithstanding any contrary provision of Subsection  
19 (b), information or records of a municipally owned utility or  
20 municipality that operates a chilled water program are subject to  
21 disclosure under this chapter if the information or records are  
22 reasonably related to:

23 (1) a municipally owned utility's rate review process;

24 (2) the method a municipality or municipally owned  
25 utility uses to set rates for retail electric service; or

26 (3) the method a municipality or municipally owned  
27 utility uses to set rates for a chilled water program described by

1 Subsection (a-1)(2)(P).

2 SECTION 2. Section 11.003, Utilities Code, is amended by  
3 adding Subdivision (3-a) and amending Subdivision (11) to read as  
4 follows:

5 (3-a) "Chilled water program" means:

6 (A) a program to produce chilled water at a  
7 central plant and pipe that water to buildings for air  
8 conditioning, including a district cooling system or chilled water  
9 service; or

10 (B) any other program designed to used chilled  
11 water to provide air conditioning, reduce peak electric demand, or  
12 shift electric load.

13 (11) "Municipally owned utility" means a utility  
14 owned, operated, and controlled by a municipality or by a nonprofit  
15 corporation the directors of which are appointed by one or more  
16 municipalities and includes any chilled water program operated by  
17 the utility.

18 SECTION 3. Section 552.133, Government Code, as amended by  
19 this Act, applies only to a request for public information made on  
20 or after the effective date of this Act. A request for public  
21 information made before the effective date of this Act is governed  
22 by the law in effect on the date of the request, and the former law  
23 is continued in effect for that purpose.

24 SECTION 4. This Act takes effect September 1, 2021.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3615 was passed by the House on May 6, 2021, by the following vote: Yeas 105, Nays 27, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3615 was passed by the Senate on May 18, 2021, by the following vote: Yeas 29, Nays 2.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor