

1-1 By: King of Parker, Hernandez H.B. No. 3615
 1-2 (Senate Sponsor - Buckingham)
 1-3 (In the Senate - Received from the House May 10, 2021;
 1-4 May 10, 2021, read first time and referred to Committee on Business
 1-5 & Commerce; May 13, 2021, reported favorably by the following vote:
 1-6 Yeas 8, Nays 0; May 13, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to certain rates charged by and programs offered by
 1-21 municipally owned utilities.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 552.133, Government Code, is amended by
 1-24 amending Subsection (a-1) and adding Subsection (b-1) to read as
 1-25 follows:

1-26 (a-1) For purposes of this section, "competitive matter"
 1-27 means a utility-related matter that is related to the public power
 1-28 utility's competitive activity, including commercial information,
 1-29 and would, if disclosed, give advantage to competitors or
 1-30 prospective competitors. The term:

1-31 (1) means a matter that is reasonably related to the
 1-32 following categories of information:

1-33 (A) generation unit specific and portfolio fixed
 1-34 and variable costs, including forecasts of those costs, capital
 1-35 improvement plans for generation units, and generation unit
 1-36 operating characteristics and outage scheduling;

1-37 (B) bidding and pricing information for
 1-38 purchased power, generation and fuel, and Electric Reliability
 1-39 Council of Texas bids, prices, offers, and related services and
 1-40 strategies;

1-41 (C) effective fuel and purchased power
 1-42 agreements and fuel transportation arrangements and contracts;

1-43 (D) risk management information, contracts, and
 1-44 strategies, including fuel hedging and storage;

1-45 (E) plans, studies, proposals, and analyses for
 1-46 system improvements, additions, or sales, other than transmission
 1-47 and distribution system improvements inside the service area for
 1-48 which the public power utility is the sole certificated retail
 1-49 provider; and

1-50 (F) customer billing, contract, and usage
 1-51 information, electric power pricing information, system load
 1-52 characteristics, and electric power marketing analyses and
 1-53 strategies; and

1-54 (2) does not include the following categories of
 1-55 information:

1-56 (A) information relating to the provision of
 1-57 distribution access service, including the terms and conditions of
 1-58 the service and the rates charged for the service but not including
 1-59 information concerning utility-related services or products that
 1-60 are competitive;

1-61 (B) information relating to the provision of

2-1 transmission service that is required to be filed with the Public
2-2 Utility Commission of Texas, subject to any confidentiality
2-3 provided for under the rules of the commission;

2-4 (C) information for the distribution system
2-5 pertaining to reliability and continuity of service, to the extent
2-6 not security-sensitive, that relates to emergency management,
2-7 identification of critical loads such as hospitals and police,
2-8 records of interruption, and distribution feeder standards;

2-9 (D) any substantive rule or tariff of general
2-10 applicability regarding rates, service offerings, service
2-11 regulation, customer protections, or customer service adopted by
2-12 the public power utility as authorized by law;

2-13 (E) aggregate information reflecting receipts or
2-14 expenditures of funds of the public power utility, of the type that
2-15 would be included in audited financial statements;

2-16 (F) information relating to equal employment
2-17 opportunities for minority groups, as filed with local, state, or
2-18 federal agencies;

2-19 (G) information relating to the public power
2-20 utility's performance in contracting with minority business
2-21 entities;

2-22 (H) information relating to nuclear
2-23 decommissioning trust agreements, of the type required to be
2-24 included in audited financial statements;

2-25 (I) information relating to the amount and timing
2-26 of any transfer to an owning city's general fund;

2-27 (J) information relating to environmental
2-28 compliance as required to be filed with any local, state, or
2-29 national environmental authority, subject to any confidentiality
2-30 provided under the rules of those authorities;

2-31 (K) names of public officers of the public power
2-32 utility and the voting records of those officers for all matters
2-33 other than those within the scope of a competitive resolution
2-34 provided for by this section;

2-35 (L) a description of the public power utility's
2-36 central and field organization, including the established places at
2-37 which the public may obtain information, submit information and
2-38 requests, or obtain decisions and the identification of employees
2-39 from whom the public may obtain information, submit information or
2-40 requests, or obtain decisions;

2-41 (M) information identifying the general course
2-42 and method by which the public power utility's functions are
2-43 channeled and determined, including the nature and requirements of
2-44 all formal and informal policies and procedures;

2-45 (N) salaries and total compensation of all
2-46 employees of a public power utility; ~~or~~

2-47 (O) information publicly released by the
2-48 Electric Reliability Council of Texas in accordance with a law,
2-49 rule, or protocol generally applicable to similarly situated market
2-50 participants; or

2-51 (P) information related to a chilled water
2-52 program, as defined by Section 11.003, Utilities Code.

2-53 (b-1) Notwithstanding any contrary provision of Subsection
2-54 (b), information or records of a municipally owned utility or
2-55 municipality that operates a chilled water program are subject to
2-56 disclosure under this chapter if the information or records are
2-57 reasonably related to:

2-58 (1) a municipally owned utility's rate review process;

2-59 (2) the method a municipality or municipally owned
2-60 utility uses to set rates for retail electric service; or

2-61 (3) the method a municipality or municipally owned
2-62 utility uses to set rates for a chilled water program described by
2-63 Subsection (a-1)(2)(P).

2-64 SECTION 2. Section 11.003, Utilities Code, is amended by
2-65 adding Subdivision (3-a) and amending Subdivision (11) to read as
2-66 follows:

2-67 (3-a) "Chilled water program" means:

2-68 (A) a program to produce chilled water at a
2-69 central plant and pipe that water to buildings for air

3-1 conditioning, including a district cooling system or chilled water
3-2 service; or

3-3 (B) any other program designed to used chilled
3-4 water to provide air conditioning, reduce peak electric demand, or
3-5 shift electric load.

3-6 (11) "Municipally owned utility" means a utility
3-7 owned, operated, and controlled by a municipality or by a nonprofit
3-8 corporation the directors of which are appointed by one or more
3-9 municipalities and includes any chilled water program operated by
3-10 the utility.

3-11 SECTION 3. Section 552.133, Government Code, as amended by
3-12 this Act, applies only to a request for public information made on
3-13 or after the effective date of this Act. A request for public
3-14 information made before the effective date of this Act is governed
3-15 by the law in effect on the date of the request, and the former law
3-16 is continued in effect for that purpose.

3-17 SECTION 4. This Act takes effect September 1, 2021.

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