

BILL ANALYSIS

Senate Research Center
88R23251 TJB-F

C.S.S.B. 983
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Business & Commerce
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As technology expands across Texas, public providers have expressed a need to adjust law currently provided in the public information act to include cable, Internet, or a broadband service regarding executive sessions as the nature of since these matters are highly competitive with regard to pricing and logistics.

This bill allows the utility provider a means to discuss competitive matters in executive session to help ensure the best outcome in furthering the deployment of competitively priced cable, Internet, and broadband services for the communities they serve.

The committee substitute ensures this only applies to an electric utility already providing communities with cable, Internet, and broadband services on or before January 1, 2003. Additionally, the committee substitute requires separate books be kept between the utility services and the cable, Internet, and broadband services to ensure those are not cross subsidized.

C.S.S.B. 983 amends current law relating to information maintained by certain municipally owned utilities that provide electricity services and cable, Internet, or broadband services.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 552.133(a), (a-1), and (b-1), Government Code, as follows:

(a) Defines "broadband service" and makes a nonsubstantive change.

(a-1) Provides that "competitive matter," for the purposes of Section 552.133 (Exception: Confidentiality of Public Power Utility Competitive Matters), means a utility-related matter, including for an entity described by Subdivision (2) a cable, Internet, or broadband service matter, that is related to the public power utility's competitive activity, including commercial information, and would, if disclosed, give advantage to competitors or prospective competitors. Provides that the term:

(1) makes a nonsubstantive change to this subdivision;

(2) means certain matters reasonably related to information involving the provision of cable, Internet, or broadband services by a municipally owned utility that provided electricity services and cable, Internet, or broadband services on or before January 1, 2003; and

(3) does not include certain categories of information, including information included in the separate books and records required to be kept by an entity described by Subdivision (2) as required by Section 552.915, Local Government Code.

(b-1) Makes a conforming change to this subsection.

SECTION 2. Amends Subchapter Z, Chapter 552, Local Government Code, by adding Section 552.915, as follows:

Sec. 552.915. RECORDS OF MUNICIPALLY OWNED ELECTRIC UTILITY PROVIDING BROADBAND SERVICES. (a) Defines "broadband service."

(b) Provides that this section applies only to a municipally owned utility that:

(1) provides electricity and broadband services; and

(2) provided electricity services and cable, Internet, or broadband services on or before January 1, 2003.

(c) Requires a municipally owned utility to maintain separate books and records of broadband service operations and to ensure that the rates charged for provision of electric service do not include any broadband service costs or any other costs not related to the provision of electric service.

SECTION 3. Makes application of Section 552.133, Government Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2023.