

By: Holland

H.B. No. 2419

A BILL TO BE ENTITLED

AN ACT

1
2 relating to disclosure under the public information law of
3 information related to a competitive matter involving the provision
4 of cable, Internet, or broadband services by a public power
5 utility.

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

7 SECTION 1. Sections [552.133](#)(a), (a-1), and (b-1),
8 Government Code, are amended to read as follows:

9 (a) In this section:

10 (1) "Broadband service" has the meaning assigned by
11 Section [181.048](#), Utilities Code.

12 (2) "Public [~~,"public]~~ power utility" means an entity
13 providing electric or gas utility services that is subject to the
14 provisions of this chapter.

15 (a-1) For purposes of this section, "competitive matter"
16 means a utility-related matter, including a cable, Internet, or
17 broadband service matter, that is related to the public power
18 utility's competitive activity, including commercial information,
19 and would, if disclosed, give advantage to competitors or
20 prospective competitors. The term:

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

23 (A) generation unit specific and portfolio fixed
24 and variable costs, including forecasts of those costs, capital

1 improvement plans for generation units, and generation unit
2 operating characteristics and outage scheduling;

3 (B) bidding and pricing information for
4 purchased power, generation and fuel, and Electric Reliability
5 Council of Texas bids, prices, offers, and related services and
6 strategies;

7 (C) effective fuel and purchased power
8 agreements and fuel transportation arrangements and contracts;

9 (D) risk management information, contracts, and
10 strategies, including fuel hedging and storage;

11 (E) plans, studies, proposals, and analyses for
12 system improvements, additions, or sales, other than transmission
13 and distribution system improvements inside the service area for
14 which the public power utility is the sole certificated retail
15 provider; and

16 (F) customer billing, contract, and usage
17 information, electric power pricing information, system load
18 characteristics, and electric power marketing analyses and
19 strategies; ~~and~~

20 (2) means a matter reasonably related to information
21 involving the provision of cable, Internet, or broadband services
22 by a public power utility, including:

23 (A) a capital improvement plan;

24 (B) an expense related to the installation of a
25 facility to provide those services;

26 (C) bidding and pricing information for
27 installation of the facility;

1 (D) risk management information, contracts, and
2 strategies;

3 (E) plans, studies, proposals, and analyses for:
4 (i) system improvements, additions, or
5 sales; or

6 (ii) establishing pricing for providing
7 those services; and

8 (F) customer billing, contract, and usage
9 information; and

10 (3) does not include the following categories of
11 information:

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

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

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

26 (D) any substantive rule or tariff of general
27 applicability regarding rates, service offerings, service

1 regulation, customer protections, or customer service adopted by
2 the public power utility as authorized by law;

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

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

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

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

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

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

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

25 (L) a description of the public power utility's
26 central and field organization, including the established places at
27 which the public may obtain information, submit information and

1 requests, or obtain decisions and the identification of employees
2 from whom the public may obtain information, submit information or
3 requests, or obtain decisions;

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

8 (N) salaries and total compensation of all
9 employees of a public power utility;

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

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

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

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

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

24 (3) the method a municipality or municipally owned
25 utility uses to set rates for a chilled water program described by
26 Subsection (a-1)(3)(P) [~~(a-1)(2)(P)~~].

27 SECTION 2. Section 552.133, Government Code, as amended by

1 this Act, applies only to a request for public information received
2 by a governmental body or an officer for public information on or
3 after the effective date of this Act.

4 SECTION 3. This Act takes effect September 1, 2023.