

A BILL TO BE ENTITLED

AN ACT

relating to information maintained by certain municipally owned utilities that provide electricity services and cable, Internet, or broadband services.

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

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

(a) In this section:

(1) "Broadband service" has the meaning assigned by Section 181.048, Utilities Code.

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

(a-1) For purposes of this section, "competitive matter" 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. The term:

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

(A) generation unit specific and portfolio fixed and variable costs, including forecasts of those costs, capital improvement plans for generation units, and generation unit

1 operating characteristics and outage scheduling;

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

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

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

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

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

19 (2) means a matter reasonably related to information
20 involving the provision of cable, Internet, or broadband services
21 by a municipally owned utility that provided electricity services
22 and cable, Internet, or broadband services on or before January 1,
23 2003, including:

24 (A) a capital improvement plan;

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

27 (C) bidding and pricing information for

1 installation of the facility;

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

4 (E) plans, studies, proposals, and analyses for:

5 (i) system improvements, additions, or
6 sales; or

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

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

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

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

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

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

27 (D) any substantive rule or tariff of general

1 applicability regarding rates, service offerings, service
2 regulation, customer protections, or customer service adopted by
3 the public power utility as authorized by law;

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

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

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

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

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

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

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

26 (L) a description of the public power utility's
27 central and field organization, including the established places at

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

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

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

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

15 (P) information related to a chilled water
16 program, as defined by Section 11.003, Utilities Code; or

17 (Q) information included in the separate books
18 and records required to be kept by an entity described by
19 Subdivision (2) as required by Section 552.915, Local Government
20 Code.

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

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

27 (2) the method a municipality or municipally owned

1 utility uses to set rates for retail electric service; or

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

5 SECTION 2. Subchapter 2, Chapter 552, Local Government
6 Code, is amended by adding Section 552.915 to read as follows:

7 Sec. 552.915. RECORDS OF MUNICIPALLY OWNED ELECTRIC UTILITY
8 PROVIDING BROADBAND SERVICES. (a) In this section, "broadband
9 service" has the meaning assigned by Section 181.048, Utilities
10 Code.

11 (b) This section applies only to a municipally owned utility
12 that:

13 (1) provides electricity and broadband services; and
14 (2) provided electricity services and cable,
15 Internet, or broadband services on or before January 1, 2003.

16 (c) A municipally owned utility shall maintain separate
17 books and records of broadband service operations and shall ensure
18 that the rates charged for provision of electric service do not
19 include any broadband service costs or any other costs not related
20 to the provision of electric service.

21 SECTION 3. Section 552.133, Government Code, as amended by
22 this Act, applies only to a request for public information received
23 by a governmental body or an officer for public information on or
24 after the effective date of this Act.

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