

By: Barry

H.B. No. 5269

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Office of Public Utility Counsel to access certain data.

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

SECTION 1. Section 13.003, Utilities Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The office:

(1) shall assess the effect of utility rate changes and other regulatory actions on residential consumers in this state;

(2) shall advocate in the office's own name a position determined by the counsellor to be most advantageous to a substantial number of residential consumers;

(3) may appear or intervene, as a party or otherwise, as a matter of right on behalf of:

(A) residential consumers, as a class, in any proceeding before the commission, including an alternative dispute resolution proceeding; and

(B) small commercial consumers, as a class, in any proceeding in which the counsellor determines that small commercial consumers are in need of representation, including an alternative dispute resolution proceeding;

(4) may initiate or intervene as a matter of right or

otherwise appear in a judicial proceeding:

(A) that involves an action taken by an administrative agency in a proceeding, including an alternative dispute resolution proceeding, in which the counsellor is authorized to appear; or

(B) in which the counsellor determines that residential electricity consumers or small commercial electricity consumers are in need of representation;

(5) is entitled to:

(A) the same access as a party, other than commission staff, to records gathered by the commission under Section 14.204; and

(B) request and receive electricity market data, including data related to market reliability, generation resource adequacy, long-term transmission planning, and transmission system resiliency, from:

(i) the commission;

(ii) the independent organization certified under Section 39.151 for the ERCOT power region; and

(iii) an electric utility;

(6) is entitled to discovery of any nonprivileged matter that is relevant to the subject matter of a proceeding or petition before the commission;

(7) may represent an individual residential or small commercial consumer with respect to the consumer's disputed complaint concerning utility services that is unresolved before the commission;

1           (8) may recommend legislation to the legislature that  
2 the office determines would positively affect the interests of  
3 residential and small commercial consumers; and

4           (9) may advise persons who are interested parties for  
5 purposes of Section 37.054 on procedural matters related to  
6 proceedings before the commission on an application for a  
7 certificate of convenience and necessity filed under Section  
8 37.053.

9           (a-1) Information submitted to the office under Subsection  
10 (a)(5)(B) that is confidential and not subject to disclosure by the  
11 commission under Chapter 552, Government Code, or other law is also  
12 confidential and not subject to disclosure by the office.

13           SECTION 2. This Act takes effect September 1, 2025.