

By: Barry

H.B. No. 5269

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

8 (a) The office:

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

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

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

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

1 otherwise appear in a judicial proceeding:

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

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

9 (5) is entitled to:

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

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

17 (i) the commission;

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

20 (iii) an electric utility;

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

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

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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.