

BILL ANALYSIS

C.S.H.B. 872
By: Bernal
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Government-operated utilities are subject to state public information law and therefore, by law, must respond to public information requests for certain information the utility maintains. Utilities often receive requests seeking information relating to customers who are eligible for service disconnection. This information is used as a marketing tool for real estate speculators who seek to purchase, often at a substantial discount, the properties of financially struggling homeowners. Additionally, with the deployment of advanced metering systems, utilities are now generating a large amount of data containing detailed and sensitive customer consumption information that, under current law, could also be obtained through a public information request. C.S.H.B. 872 seeks to protect the privacy of utility customers by excepting certain potentially sensitive information maintained by a government-operated utility from the public availability requirement of state public information law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 872 amends the Government Code to except the following information maintained by a government-operated utility that provides water, wastewater, sewer, gas, garbage, electricity, or drainage service from the public availability requirement of state public information law:

- information that reveals whether an account is delinquent or eligible for disconnection or whether services have been discontinued by the utility; and
- information that is collected as part of an advanced metering system for usage, services, and billing, including amounts billed or collected for utility usage.

The bill requires a utility to disclose that information collected as part of an advanced metering system to the customer or the customer's designated representative on written request if the information directly relates to utility services provided to the customer and is not confidential under law.

C.S.H.B. 872 amends the Utilities Code to change the nature of the confidentiality protections provided for the personal information in the account record of a customer of a government-operated utility, and any information relating to the volume or units of utility usage or the amounts billed to or collected from the customer for utility usage, from a system under which the onus is on the customer to request confidentiality to a system under which the default

assumption is confidentiality unless the customer requests disclosure. Additionally, the bill does the following with respect to the disclosure of this information:

- revises the information that a utility may disclose, without the customer's consent, if the primary source of water for the utility was a sole-source designated aquifer as follows:
 - removes the authorization to disclose information related to the amounts billed to or collected from the customer for utility usage; and
 - specifies that the information that may be disclosed relating to the customer's volume or units of utility usage is the usage per billing cycle;
- gives a utility the option to post a notice of the customer's right to request disclosure and a form by which that request may be made on its website as an alternative to including the notice and the form with each customer's bill;
- provides that the disclosure request form may be returned by mail or electronically; and
- authorizes a customer to rescind a request for disclosure by providing the utility a written request to withhold the customer's personal information beginning on the date the utility receives the request.

C.S.H.B. 872 amends the Water Code to make conforming changes.

C.S.H.B. 872 repeals Section 182.053, Utilities Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 872 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

With respect to the bill's provisions establishing an exception from the public availability requirement of state public information law for certain information maintained by a government-operated utility, the substitute does the following:

- includes information that reveals whether a customer's account is delinquent among the excepted information;
- requires a request for disclosure of information collected as part of an advanced metering system to be made in writing and specifies that the requested information may be disclosed only if it relates to utility services provided to the requesting customer and is not confidential under law;
- does not include provisions regarding the relation between the bill's exception and an existing exception for confidential information; and
- clarifies that the provisions apply only to a public information request received on or after the bill's effective date.

The substitute amends the Water Code to make conforming changes.