

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1384  
By: Shapleigh  
Economic Development  
4/21/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, the Office of Public Utility Counsel (office), an independent state agency, represents residential and small business telephone and electric utility consumers in utility proceedings before the Public Utility Commission (PUC), the Federal Energy Regulatory Commission, the Federal Communications Commission, and in state and federal courts to ensure that utility services are available to those consumers at just and reasonable rates. Deregulation of the telecommunications industry has brought about an increasingly competitive environment and significantly increased the number of regulatory issues before the PUC and utility-related litigation in both state and federal courts. The PUC has expanded its use of alternative dispute resolution (ADR) proceedings to manage its workload and to resolve regulatory issues more quickly. Residential and small business utility consumers often have substantial interests at stake in ADR proceedings and in utility-related litigation; however, in the absence of specific statutory authority, the office is unable to represent them in ADR proceedings before the PUC and other regulatory agencies. C.S.S.B. 1384 would set forth provisions for the Office of Public Utility Counsel to represent certain persons in certain proceedings.

### **PURPOSE**

As proposed, C.S.S.B. 1384 sets forth provisions for the Office of Public Utility Counsel to represent certain persons in certain proceedings.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 13.003(a), Utilities Code, to authorize the Office of Public Utility Counsel to appear or intervene, as a party or otherwise, as a matter of right on behalf of residential consumers, as a class, in any proceeding to the extent consistent with federal law before the Public Utility Commission, including an alternative dispute resolution proceeding; and to initiate or intervene as a matter of right or otherwise in a judicial proceeding in which the public utility counsellor is authorized to appear; and to intervene as a matter of right or otherwise appear in a judicial proceeding in which the counselor determines that residential consumers or small commercial consumers are in need of representation. Makes conforming changes.

SECTION 2. Emergency clause.  
Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

#### SECTION 1.

Amends Section 13.003(a), Utilities Code, to authorize the Office of Public Utility Counsel to appear or intervene, as a party or otherwise, as a matter of right on behalf of residential consumers, as a class, in any proceeding to the extent consistent with federal law before the Public Utility Commission, including an alternative dispute resolution proceeding; and to initiate or intervene as a matter of right or otherwise in a judicial proceeding in which the public utility counsellor is authorized to appear; and to intervene as a matter of right or otherwise appear in a judicial proceeding in which the counselor determines that residential consumers or small commercial consumers are in need of representation. Deletes proposed text regarding the

counsellor determining that residential consumers or small business consumers are in need of representation. Makes conforming changes.