

BILL ANALYSIS

Senate Research Center
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S.B. 1171
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Business & Commerce
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Over the past few years, Lubbock Power & Light worked closely with ERCOT, the Public Utility Commission (PUC), and various industry stakeholders to work through the logistics of being the first city to deregulate and join the competitive market. There are several areas that can only be appropriately modified through statutory changes. It is the goal of LP&L to not join the retail competitive market as an outlier but to ensure it is treated in the same manner as the investor-owned utilities that have operated in this space for over 20 years.

In order for LP&L to successfully transition to retail competition, sharing of customer information with ERCOT is necessary as it acts as a clearinghouse for those operating in the retail competitive market today. In order for retail electric providers to sign up customers, ERCOT must be the custodian of electric customer information as it is for those areas of the state currently served under retail electric competition. LP&L is seeking the same business process that currently exists in those parts of the state under the competitive market.

One change is sought in Chapter 182, Utilities Code, in S.B. 1171. In the 86th Regular Session (2019), Chapter 182 of the Utilities Code was amended to forbid the sharing of individual customer electric data by the municipally owned utility serving them unless the individual customer requests disclosure of his or her information. In statute it lists six types of entities that are exempt and are allowed to receive personal customer electric data from a municipally owned electric utility. Because it was not envisioned at the time that a municipally owned utility might be opting-into retail competitive choice, state officials and employees are included exemptions while ERCOT was not expressly a listed exemption.

As proposed, S.B. 1171 amends current law relating to the disclosure of customer information by government-operated utilities.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 182.054, Utilities Code, as follows:

Sec. 182.054. EXCEPTIONS. Provides that Subchapter B (Disclosure of Customer Information) does not prohibit a government-operated utility from disclosing personal information in a customer's account record to:

(1)-(4) makes no changes to these subdivisions;

(5)-(6) makes nonsubstantive changes to these subdivisions;

(7) another entity as necessary to facilitate the transition of customers among retail electric providers under Section 40.053 (Retail Customer's Right of Choice) or to comply with rules, guidelines, and procedures established by an independent organization certified under Section 39.151 (Essential Organizations); or

(8) a retail electric provider, as defined by Section 31.002(17) (relating to defining "retail electric provider").

SECTION 2. Effective date: upon passage or September 1, 2023.