

By: Solomons, Maldonado, Hartnett, et al.

H. B. No. 1822

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to the use of certain terms by certificated  
3 telecommunications utilities, retail electric providers, and  
4 electric utilities in retail bills.

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

6 SECTION 1. Section 17.003(c), Utilities Code, is amended to  
7 read as follows:

20 SECTION 2. Section 17.004(a), Utilities Code, is amended to  
21 read as follows:

22 (a) All buyers of telecommunications and retail electric  
23 services are entitled to:

24 (1) protection from fraudulent, unfair, misleading,

1 deceptive, or anticompetitive practices, including protection from  
2 being billed for services that were not authorized or provided;

3 (2) choice of a telecommunications service provider, a  
4 retail electric provider, or an electric utility, where that choice  
5 is permitted by law, and to have that choice honored;

6 (3) information in English and Spanish and any other  
7 language as the commission deems necessary concerning rates, key  
8 terms and conditions, and the basis for any claim of environmental  
9 benefits of certain production facilities;

10 (4) protection from discrimination on the basis of  
11 race, color, sex, nationality, religion, marital status, income  
12 level, or source of income and from unreasonable discrimination on  
13 the basis of geographic location;

14 (5) impartial and prompt resolution of disputes with a  
15 certificated telecommunications utility, a retail electric  
16 provider, or an electric utility and disputes with a  
17 telecommunications service provider related to unauthorized  
18 charges and switching of service;

19 (6) privacy of customer consumption and credit  
20 information;

21 (7) accuracy of metering and billing;

22 (8) bills presented in a clear, readable format and  
23 easy-to-understand language that uses defined terms as required by  
24 commission rules adopted under Section 17.003;

25 (9) information in English and Spanish and any other  
26 language as the commission deems necessary concerning low-income  
27 assistance programs and deferred payment plans;

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1 (10) all consumer protections and disclosures  
2 established by the Fair Credit Reporting Act (15 U.S.C. Section  
3 1681 et seq.) and the Truth in Lending Act (15 U.S.C. Section 1601  
4 et seq.); and

10 SECTION 3. Section 17.102, Utilities Code, is amended to  
11 read as follows:

12                   Sec. 17.102. RULES RELATING TO CHOICE. The commission  
13 shall adopt and enforce rules that:

14 (1) ensure that customers are protected from deceptive  
15 practices employed in obtaining authorizations of service and in  
16 the verification of change orders, including negative option  
17 marketing, sweepstakes, and contests that cause customers to  
18 unknowingly change their telecommunications service provider,  
19 retail electric provider, or electric utility, where choice is  
20 permitted by law;

21 (2) provide for clear, easily understandable  
22 identification, in each bill sent to a customer, of all  
23 telecommunications service providers, retail electric providers,  
24 or electric utilities submitting charges on the bill:

25 (3) ensure that every service provider submitting  
26 charges on the bill is clearly and easily identified on the bill  
27 along with its services, products, and charges, using defined terms

1    as required by commission rules adopted under Section 17.003;

2                (4) provide that unauthorized changes in service be  
3 remedied at no cost to the customer within a period established by  
4 the commission;

5                (5) require refunds or credits to the customer in the  
6 event of an unauthorized change; and

7                (6) provide for penalties for violations of commission  
8 rules adopted under this section, including fines and revocation of  
9 certificates or registrations, by this action denying the  
10 certificated telecommunications utility, the retail electric  
11 provider, or the electric utility the right to provide service in  
12 this state, except that the commission may not revoke a certificate  
13 of convenience and necessity of an electric utility except as  
14 provided by Section 37.059 or a certificate of convenience and  
15 necessity of a telecommunications utility except as provided by  
16 Section 54.008.

17               SECTION 4. Section 17.151(a), Utilities Code, is amended to  
18 read as follows:

19               (a) A service provider, retail electric provider, or  
20 billing agent may submit charges for a new product or service to be  
21 billed on a customer's telephone or retail electric bill on or after  
22 the effective date of this section only if:

23               (1) the service provider offering the product or  
24 service has thoroughly informed the customer of the product or  
25 service being offered, including all associated charges, and has  
26 explicitly informed the customer that the associated charges for  
27 the product or service will appear on the customer's telephone or

1 electric bill;

2 (2) the customer has clearly and explicitly consented  
3 to obtain the product or service offered and to have the associated  
4 charges appear on the customer's telephone or electric bill and the  
5 consent has been verified as provided by Subsection (b); ~~and~~

6 (3) the service provider offering the product or  
7 service and any billing agent for the service provider:

8 (A) has provided the customer with a toll-free  
9 telephone number the customer may call and an address to which the  
10 customer may write to resolve any billing dispute and to answer  
11 questions; and

12 (B) has contracted with the billing utility to  
13 bill for products and services on the billing utility's bill as  
14 provided by Subsection (c); and

15 (4) the service provider, retail electric provider, or  
16 billing agent uses defined terms on the bill as required by  
17 commission rules adopted under Section 17.003.

18 SECTION 5. The Public Utility Commission of Texas shall  
19 adopt rules consistent with this Act not later than December 1,  
20 2009.

21 SECTION 6. This Act takes effect September 1, 2009.