

PROJECT NO. 39823

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REPEAL AND AMENDMENT OF § PUBLIC UTILITY COMMISSION
CHAPTER 25 SUBSTANTIVE RULES §
THAT THE CHAPTER 25 REVIEW § OF TEXAS
FOUND TO BE OBSOLETE §

PROPOSAL FOR PUBLICATION OF AMENDMENT TO §25.6
AND REPEALS OF §§25.87, 25.182 AND 25.185
AS APPROVED AT THE FEBRUARY 10, 2012 OPEN MEETING

The Public Utility Commission of Texas (commission) proposes an amendment to §25.6 relating to Cost of Copies of Public Information, and the repeals of §25.87 relating to Distribution Unbundling Reports, §25.182 relating to Energy Efficiency Grant Program, and §25.185 relating to Energy Efficiency Program for Military Bases. The amendment and repeals are consistent with the orders adopted following the Chapter 25 review that was required by the Administrative Procedure Act (APA), Texas Government Code §2001.039, which requires each state agency to review and readopt its rules every four years. The proposed amendment and repeals respond to orders under Project Number 37115, pertaining to the review of Subchapters A-G, and Project Number 37228, pertaining to the review of Subchapters H-J.

The following are the proposed sections to be amended or repealed with a brief description as to why each provision is being proposed for repeal or amendment.

§25.6. Cost of Copies of Public Information. The section contains an obsolete Texas Administrative Code (TAC) reference to 1 TAC §§111.61-111.70, which applied to the Building and Procurement Commission, which is a state agency that no longer exists. The cite is being changed to reflect that the office of the Secretary of State now handles fees for copies of public

information in accordance with 1 TAC §71.8. (*See Page 3 in Order Readopting Chapter 25, Subchapters A-G in Project Number 37115.*)

§25.87. Distribution Unbundling Reports. The section is obsolete because the requirement to file the distribution unbundling reports expired April 1, 2001. (*See Page 7 in Order Readopting Chapter 25, Subchapters A-G in Project Number 37115.*)

§25.182. Energy Efficiency Grant Program. The purpose of the section was to provide implementation guidelines for the grant program and the grant program is no longer in effect. (*See Page 4 in Order Readopting Chapter 25, Subchapters H-J in Project Number 37228.*)

§25.185. Energy Efficiency Incentive Program for Military Bases. The target date of January 1, 2005 to meet reduction amounts has expired. (*See Page 5 and 6 in Order Readopting Chapter 25, Subchapters H-J in Project Number 37228.*)

Julie Black, Economist in the commission's Competitive Markets Division, has determined that for each year of the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government as a result of administering the changes.

Ms. Black has determined that for each year of the first five years the proposed sections are in effect the public benefit anticipated will be an updated version of Chapter 25. There will be no adverse economic effect on small businesses or micro-businesses as a result of enforcing the

changes. Therefore, no regulatory flexibility analysis is required. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Ms. Black has also determined that for each year of the first five years the proposed sections are in effect there should be no effect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act (APA), Texas Government Code §2001.022.

The commission staff will conduct a public hearing on this rulemaking, if requested pursuant to the Administrative Procedure Act, Texas Government Code §2001.029, at the commission's offices located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. The request for a public hearing must be received within 30 days after publication.

Initial comments on the proposed sections to Chapter 25 may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within 30 days after publication. Sixteen copies of comments on the proposed sections are required to be filed pursuant to §22.71(c) of this title. Reply comments may be submitted within 45 days after publication. Comments should be organized in a manner consistent with the organization of the proposed amendment and repeals. All comments should refer to Project Number 39823.

The amendment and repeals are proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (West and Supp. 2011) (PURA), which provides the Public Utility

Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction as well as the Administrative Procedure Act (APA), Texas Government Code Annotated §2001.039, (West and Supp. 2011) which requires each state agency to review and readopt its rules every four years.

Cross Reference to Statutes: PURA §14.002 and APA §2001.039.

§25.6. Cost of Copies of Public Information.

The rules set forth in ~~1 TAC §71.8§§111.61—111.70~~ (relating to Costs of Copies of Public Information) will apply to copies of public records made at the commission.

§25.87. Distribution Unbundling Reports. (REPEALED)

§25.182. Energy Efficiency Grant Program. (REPEALED)

§25.185. Energy Efficiency Incentive Program for Military Bases. (REPEALED)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 10th DAY OF FEBRUARY 2012 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA A. GONZALES**