

**PROJECT NO. 48827**

<b>RULEMAKING TO ADDRESS</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DELEGATION OF AUTHORITY ON</b>	<b>§</b>	
<b>MATTERS WHERE THE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>COMMISSION REQUESTS</b>	<b>§</b>	
<b>REPRESENTATION BY THE</b>	<b>§</b>	
<b>ATTORNEY GENERAL</b>	<b>§</b>	

**PROPOSAL FOR PUBLICATION OF NEW §22.23  
APPROVED AT THE APRIL 4, 2019 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes new §22.23, relating to delegation of authority within the commission on matters where representation by the attorney general is necessary.

Growth Impact Statement

The agency provides the following governmental growth impact statement for the proposed rule, as required by Texas Government Code §2001.0221. The agency has determined that for each year of the first five years that the proposed rule is in effect, the following statements will apply:

- (1) the proposed rule will not create a government program and will not eliminate a government program;
- (2) implementation of the proposed rule will not require the creation of new employee positions and will not require the elimination of existing employee positions;
- (3) implementation of the proposed rule will not require an increase and will not require a decrease in future legislative appropriations to the agency;
- (4) the proposed rule will not require an increase and will not require a decrease in fees paid to the agency;
- (5) the proposed rule will not create a new regulation;

- (6) the proposed rule will not expand, limit, or repeal an existing regulation;
- (7) the proposed rule will not change the number of individuals subject to the rule's applicability;  
and
- (8) the proposed rule will not affect this state's economy.

#### Fiscal Impact on Small and Micro-Businesses and Rural Communities

There is no adverse economic effect anticipated for small businesses, micro-businesses, or rural communities as a result of implementing the proposed rule. Accordingly, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002(c).

#### Takings Impact Analysis

The commission has determine that the proposed rule will not be a taking of private property as defined in chapter 2007 of the Texas Government Code.

#### Fiscal Impact on State and Local Government

Jonathan Namazi, Attorney in Office of Policy and Docket Management, has determined that for the first five-year period the proposed amendments are in effect, there will be no fiscal implications for the state or for units of local government under Texas Government Code §2001.024(a)(4) as a result of enforcing or administering the section.

### Public Benefits

Jonathan Namazi, Attorney in the Office of Policy and Docket Management, has also determined that for each year of the first five years the proposed section is in effect, the anticipated public benefits expected as a result of the adoption of the proposed rule will be clarification of the commission's procedural rules and the probable economic cost to persons required to comply with the rule is negligible under Texas Government Code §2001.024(a)(5).

### Local Employment Impact Statement

For each year of the first five years the proposed section is in effect there should be no effect on a local economy; therefore, no local employment impact statement is required under Texas Government Code §2001.022.

### Costs to Regulated Persons

Texas Government Code §2001.0045(b) does not apply to this rulemaking because the Public Utility Commission is expressly excluded under subsection §2001.0045(c)(7).

### Public Hearing

The commission staff will conduct a public hearing on this rulemaking, if requested in accordance with Texas Government Code §2001.029, at the commission's offices located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701 on May 21, 2019. The request for a public hearing must be received within 30 days after publication.

### Public Comments

Comments on the proposed new section may be filed with the commission's filing clerk at 1701 North Congress Avenue, Austin, Texas or mailed to P.O. Box 13326, Austin, TX 78711-3326, within 30 days after publication. Sixteen copies of comments to the proposed amendment are required to be filed by §22.71(c) of 16 Texas Administrative Code. Comments should be organized in a manner consistent with the organization of the proposed rule. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed rule. The commission will consider the costs and benefits in deciding whether to adopt the rule. All comments should refer to project number 48827.

### Statutory Authority

This new section is proposed under §§14.002 and 14.052 of the Public Utility Regulatory Act, Tex. Util. Code (PURA), which provides the commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction, including rules of practice and procedure.

Cross reference to statutes: Public Utility Regulatory Act §§ 14.002 and 14.052.

**§22.23. Delegation of Authority to Request Representation by the Attorney General**

- (a) The commission delegates to the chairman the authority to request representation by the attorney general for any purpose authorized by law.
- (b) In the event the chairman is unavailable, the commission delegates the authority granted in subsection (a) of this section to any other commissioner. If no commissioner is available, the commission delegates the authority granted in subsection (a) of this section to the executive director or his authorized representative.

This agency 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 4TH DAY OF APRIL 2019 BY THE  
PUBLIC UTILITY COMMISSION OF TEXAS  
ANDREA GONZALEZ**