

The Public Utility Commission of Texas (commission) proposes new §27.31, relating to Historically Underutilized Businesses. The proposed new rule adopts by reference the rules of the Texas General Services Commission in 1 Texas Administrative Code (TAC), §§111.11, 111.13, 111.14, 111.26, and 111.27, relating to the historically underutilized business (HUB) program for state purchases. This rulemaking is necessary to comply with Texas Government Code, §2161.003, which requires the commission to adopt the General Services Commission rules for Historically Underutilized Businesses. Project Number 23025 has been assigned to this proceeding.

Susan K. Durso, General Counsel, has determined that for each year of the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Durso has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be a streamlined method for securing more goods and services from HUB vendors. There will be no effect on small businesses or micro-businesses as a result of enforcing this section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Ms. Durso has also determined that for each year of the first five years the proposed section is in effect there should be no effect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act §2001.022.

Comments on the proposed new rule (16 copies) may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, PO Box 13326, Austin, Texas 78711-3326, within 30 days after publication. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed section. The commission will consider the costs and benefits in deciding whether to adopt the section. All comments should refer to Project Number 23025.

This new rule is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998, Supplement 2000) (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.

Cross Reference to Statutes: Public Utility Regulatory Act §14.002 and 1 Texas Administrative Code §§111.11, 111.13, 111.14, 111.26, and 111.27.

§27.31. Historically Underutilized Business Program.

The commission adopts by reference the rules of the Texas General Services Commission in 1 Texas Administrative Code (TAC) §§111.11, 111.13, 111.14, 111.26, and 111.27, relating to the Historically Underutilized Business Program.

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

**ISSUED IN AUSTIN, TEXAS ON THE 3rd DAY OF NOVEMBER 2000 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
RHONDA G. DEMPSEY**