

PROJECT NO. 42029

**PUC RULEMAKING RELATED TO § PUBLIC UTILITY COMMISSION
THE IMPLEMENTATION §
OF PURA §39.107(k) § OF TEXAS**

**PROPOSAL FOR PUBLICATION OF NEW §25.44 AND §25.500
AS APPROVED AT THE DECEMBER 19, 2013 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes new §25.44, relating to Privacy of Advanced Metering System Information, and §25.500, relating to Privacy of Advanced Metering System Information. The new sections implement Public Utility Regulatory Act (PURA) §39.107(k), which prohibits electric utilities, including transmission and distribution utilities, from selling, sharing, or disclosing information from an advanced metering system (AMS) or meter information network, including information used to calculate charges for service, historical load data, and any other customer information, except in certain circumstances. Project Number 42029 is assigned to this proceeding.

Christine Wright, Senior Policy Analyst, Infrastructure and Reliability Division, has determined that for each year of the first five-year period the new sections are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Wright has determined that for each year of the first five years the new sections are in effect, the public benefit anticipated as a result of enforcing the sections will be the implementation of sections required by PURA §39.107(k). There will be no adverse economic effect on small businesses or micro-businesses as a result of enforcing the sections. 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. Wright 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, beginning at 10:00 a.m. on February 10, 2014, 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 by January 24, 2014.

Initial comments on the proposed sections may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326 by February 4, 2014. Sixteen copies of comments on the proposed sections are required to be filed pursuant to §22.71(c) of this title. Comments should be organized in a manner consistent with the organization of the proposed sections. The commission will consider the costs and benefits in deciding whether to adopt the sections. All comments should refer to Project Number 42029.

The new sections are proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (West 2007 and Supp. 2013), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and specifically, §14.001, which provides the commission with the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by PURA that is necessary and convenient to the exercise of that power and jurisdiction; and PURA §39.107(k), which requires the commission to adopt rules applicable to electric utilities and transmission and distribution utilities regarding the protection and privacy of customer data and other information.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.001, 14.002, and 39.107.

§25.44. Privacy of Advanced Metering System Information.

An electric utility shall not sell, share, or disclose information generated, provided, or otherwise collected from an advanced metering system or meter information network, including information used to calculate charges for service, historical load data, and any other customer information; except:

- (1) With an affiliated corporation or other third-party entity, if the information is to be used only for the purpose of providing electric utility service to the customer;
or
- (2) With an affiliated corporation or other third-party entity for other customer-approved services.

§25.500. Privacy of Advanced Metering System Information.

A transmission and distribution utility shall not sell, share, or disclose information generated, provided, or otherwise collected from an advanced metering system or meter information network, including information used to calculate charges for service, historical load data, and any other customer information; except:

- (1) With an affiliated corporation or other third-party entity, if the information is to be used only for the purpose of providing electric utility service to the customer;
or
- (2) With an affiliated corporation or other third-party entity for other customer-approved services.

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 19TH DAY OF DECEMBER 2013 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA A. GONZALES**