

# Office of Public Utility Counsel

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## Agency at a Glance

The Legislature created the Office of Public Utility Counsel (OPUC) in 1983 as an independent agency, separate from the state's Public Utility Commission (PUC), to represent the interests of residential and small commercial customers in state electric and telecommunication utility matters. OPUC carries out the following key duties.

- Intervenes in rate cases and contested cases that may affect rates at PUC.
- Participates in rulemakings and projects at PUC.
- Advocates on behalf of consumers in federal regulatory proceedings, primarily before the Federal Communications Commission and Federal Energy Regulatory Commission.
- Appeals decisions by PUC, or intervenes in appeals brought by others, to state district court.
- Represents residential and small commercial consumers as a member of the Board of the Electric Reliability Council of Texas (ERCOT), several advisory committees to the ERCOT Board, and the Board of the Texas Reliability Entity.
- Recommends legislation concerning consumer issues.

## Summary

The Sunset review of OPUC occurred along with reviews of the Public Utility Commission and the Electric Reliability Council of Texas. As the electric and telecommunications markets in Texas have continued their evolution toward greater competition, OPUC's traditional role of representing residential and small commercial consumers in matters before PUC has also evolved. OPUC continues to represent these interests in rate cases in non-competitive markets as well as other proceedings in both regulated and restructured markets.

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*OPUC continues to represent interests of residential and small commercial consumers in both regulated and restructured markets.*

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## Issue 1

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### ***Texas Has a Continuing Need for the Office of Public Utility Counsel.***

As it concluded in 2005, the Sunset Commission found that the State has a continuing interest in having an advocate for residential and small commercial utility consumers in both competitive and regulated environments. The complexity of today's electric and telecommunications markets means small consumers need someone representing their interests in regulatory proceedings at PUC, ERCOT, Texas Reliability Entity, and at the federal level. Further, the independence of the Public Counsel is a key consideration in allowing more focused advocacy on the needs of consumers.

### **Recommendation**

#### ***Change in Statute***

##### **1.1 Continue the Office of Public Utility Counsel for 12 years.**

This recommendation would continue OPUC as an independent agency, responsible for advocating for residential and small commercial utility consumers.

## Fiscal Implication Summary

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This recommendation would not have a fiscal impact to the State.