

PROJECT NO. 37262

RULEMAKING PROCEEDING	§	PUBLIC UTILITY COMMISSION
CONCERNING INTERNET	§	
BROADCASTING OF MEETINGS OF	§	OF TEXAS
THE ELECTRIC RELIABILITY	§	
COUNCIL OF TEXAS	§	

**PROPOSAL FOR PUBLICATION OF NEW §25.366
AS APPROVED AT THE SEPTEMBER 24, 2009 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes new §25.366, relating to Internet Broadcasting of Public Meetings of an Independent Organization. The rule will implement the newly enacted Public Utility Regulatory Act (PURA) §39.1511(c), which requires the commission to ensure that an independent organization certified pursuant to PURA §39.151 will make publicly accessible without charge live internet video of all public meetings subject to PURA §39.1511 for viewing from an Internet website. This rule is a competition rule subject to judicial review as specified in PURA §39.001(e). Project Number 37262 is assigned to this proceeding.

Meena Thomas, Senior Market Economist, Competitive Markets Division has determined that for each year of the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Ms. Thomas has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be compliance with PURA §39.1511(c) and that interested persons will be able to view, free of charge, certain public meetings of a commission-certified independent organization from an Internet website. There will be no

adverse economic effect on small businesses or micro-businesses as a result of enforcing this rule. Therefore, no regulatory flexibility analysis is required. There are likely to be economic costs to an independent organization that is required to comply with the rule. These costs are associated with the internet broadcasting of meetings and are expected to be recovered through commission-approved fees levied by the independent organization.

Ms. Thomas has also determined that for each year of the first five years the rule 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 (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 on November 12, 2009, at 10:00 a.m. The request for a public hearing must be received by November 9, 2009 (31 days after publication).

Initial comments on the proposed rule 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 November 9, 2009 (31 days after publication), and reply comments may be submitted by November 19, 2009 (41 days after publication). Sixteen copies of comments on the proposed rule 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 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 37262.

The rule is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 2007 and Supp. 2008) (PURA), which provides the commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; PURA §39.151, which grants the commission broad oversight over an independent organization including the authority to approve rates that may be charged by the independent organization to recover its costs; PURA §39.1511, which sets forth the requirements that an independent organization must satisfy to ensure that the public meetings of the governing body of an independent organization are open to the public; and specifically, PURA §39.1511(c), which requires the internet broadcasting of public meetings of an independent organization.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.002, 39.151, and 39.1511.

§25.366. Internet Broadcasting of Public Meetings of an Independent Organization

- (a) **Purpose.** This section establishes the requirements for the internet broadcasting of public meetings of an independent organization pursuant to Public Utility Regulatory Act (PURA) §39.1511(c).
- (b) **Applicability.** This section applies to any organization that the commission has certified as an independent organization pursuant to PURA §39.151.
- (c) **Internet Broadcasting.** An independent organization shall make publicly accessible without charge live internet video of all public meetings for viewing from a link posted to the organization's internet website. For purposes of this subsection, public meetings are meetings of the governing body of an independent organization, and meetings of any committee or subcommittee of the governing body of the independent organization but do not include meetings of the governing body of a regional reliability entity operating under the authority of the Energy Policy Act of 2005. A governing body or a committee or a subcommittee subject to this section may enter into executive session closed to the public and without live internet video to address sensitive matters such as confidential information related to personnel matters, contracts, or lawsuits, competitively sensitive information, information related to the security of the regional electrical network, or other information that is required to be protected from release to the public.
- (d) **Cost Recovery by the Independent Organization.** The independent organization may recover the costs of complying with this section through fees approved by the commission.

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 25th DAY OF SEPTEMBER 2009 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA A. GONZALES**