

Amend CSSB 545 (Senate committee printing) as follows:

(1) In Section 1 of the bill, strike proposed Subdivision (5), Subsection (c), Section 39.9155, Utilities Code (page 1, lines 51-56), and substitute:

(5) a requirement that:

(A) a retail electric provider offer service to a retail electric service customer who has installed distributed solar generation; and

(B) a retail electric provider that provides service to a retail electric service customer who has installed distributed solar generation:

(i) purchase the customer's surplus electricity at a price equal to or greater than a fair market price determined in accordance with this section; or

(ii) credit the customer's bill for the billing cycling in which the customer's surplus electricity is generated at a price equal to or greater than the equivalent of a fair market price determined in accordance with this section and allow any unused credit on the customer's bill to be carried forward to subsequent billing cycles for the customer;

(2) In Section 1 of the bill, following proposed Subsection (k), Section 39.9155, Utilities Code (page 3, between lines 19 and 20), insert:

(1) The commission by rule shall provide a methodology for determining a fair market value price for surplus electricity. The fair market value may not be less than an amount equal to 80 percent of the customer's applicable retail rate minus any nonbypassable charges. The commission shall post on the commission's Internet website the fair market value prices derived from the methodology provided under this subsection.

(m) In an area in which customer choice has been introduced, a retail electric provider shall pay an owner of distributed solar generation for surplus electricity the local market clearing price for energy at the time of day the surplus electricity is made available to the grid or a price that is not less than the fair market value price determined in accordance with the methodology provided under Subsection (1).

(n) An owner of distributed solar generation is qualified to be paid for surplus electricity under Subsection (m) only if the owner's distributed solar generation:

(1) is installed on a residential retail electric customer's side of the meter;

(2) has a generating capacity of not greater than 50 kilowatts; and

(3) is rated to produce an amount of electricity less than or equal to the amount of electricity the residential retail electric customer for whom the distributed solar generation is installed is reasonably expected to consume.

(o) The commission by rule shall require a retail electric provider that purchases a customer's surplus electricity to include on each bill of the customer line items to inform the owner of:

(1) the amount of surplus electricity, in terms of kilowatt hours;

(2) the price credited to the owner for each kilowatt hour; and

(3) the amount of any credit for surplus electricity applied or carried forward from the previous billing period.

(p) Until the commission provides the methodology under Subsection (1) for determining a fair market value price, a retail electric provider shall pay a price for surplus electricity that is not less than five cents per kilowatt hour.

(q) If, at the time distributed solar generation is installed on a retail electric customer's side of the meter, the estimated annual amount of electric energy to be generated by the distributed solar generation is less than or equal to the customer's estimated annual electric energy consumption, the commission may not consider the owner of distributed solar generation to be a power generation company or require the owner of distributed solar generation owner to register as a power generation company.

(r) In this section:

(1) "Distributed solar generation" means distributed renewable generation, as defined by Section 39.916, using solar energy technology.

(2) "Owner of distributed solar generation" includes a retail electric customer who contracts with another person to install or maintain distributed solar generation on the customer's side of the meter, regardless of whether the customer takes ownership of the installed distributed solar generation.

(3) "Surplus electricity" means electricity generated by distributed solar generation that is not consumed at the place the distributed solar generation is installed but flows onto the electric distribution system.