

1-1 By: Hunter (Senate Sponsor - Schwertner) H.B. No. 3390
 1-2 (In the Senate - Received from the House May 2, 2023;
 1-3 May 4, 2023, read first time and referred to Committee on Business
 1-4 & Commerce; May 10, 2023, reported favorably by the following vote:
 1-5 Yeas 11, Nays 0; May 10, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the provision of information regarding distributed
 1-22 generation and certain electrical loads.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 39.9165, Utilities Code, is amended to
 1-25 read as follows:

1-26 Sec. 39.9165. DISTRIBUTED GENERATION FACILITY REPORTING.

1-27 (a) In this section:

1-28 (1) "Distributed generation facility" [~~,"distributed~~
 1-29 ~~generation"~~] is an electrical generating facility, including an
 1-30 energy storage facility, that:

1-31 (A) [~~(1) may be located at a customer's point of~~
 1-32 ~~delivery;~~

1-33 [~~(2)~~] is connected at a voltage less than 60
 1-34 kilovolts; and

1-35 (B) is capable of being [~~(3) may be~~] connected
 1-36 in parallel operation to the utility system.

1-37 (2) "Transmission service provider" means a
 1-38 transmission and distribution utility, municipally owned utility,
 1-39 or electric cooperative that owns or operates facilities used for
 1-40 the transmission of electricity.

1-41 (b) An independent organization certified under Section
 1-42 39.151 may establish protocols to [~~shall~~] require a person who owns
 1-43 or operates a [~~an owner or operator of~~] distributed generation
 1-44 facility interconnected to a utility system operating in the power
 1-45 region served by the independent organization, or who seeks to
 1-46 interconnect such a facility, to provide to the interconnecting
 1-47 transmission and distribution utility, municipally owned utility,
 1-48 or electric cooperative information about the distributed
 1-49 generation facility that the independent organization determines
 1-50 is necessary for maintaining system reliability [~~to register with~~
 1-51 the organization and interconnecting transmission and distribution
 1-52 utility information necessary for the interconnection of the
 1-53 distributed generator].

1-54 (b-1) Protocols adopted under Subsection (b) may require
 1-55 that the information be provided as a condition to interconnecting
 1-56 the distributed generation facility.

1-57 (c) An independent organization certified under Section
 1-58 39.151 may establish protocols to require a transmission service
 1-59 provider operating in the power region served by the independent
 1-60 organization to report to the independent organization, in
 1-61 aggregate by delivery point, information the independent

2-1 organization determines is necessary for maintaining system
2-2 reliability regarding distributed generation facilities and
2-3 distribution-connected loads that:

2-4 (1) are not registered with the independent
2-5 organization; and

2-6 (2) are connected to the utility systems served by the
2-7 transmission service provider.

2-8 (d) An independent organization certified under Section
2-9 39.151 may establish protocols to require a transmission and
2-10 distribution utility, municipally owned utility, or electric
2-11 cooperative that is not required to report load information
2-12 directly to the independent organization regarding the delivery
2-13 points interconnected with its facilities to provide information to
2-14 the utility's or cooperative's transmission service provider for
2-15 purposes of the report described by Subsection (c).

2-16 (e) For a distributed generation facility interconnected
2-17 before September 1, 2023, any protocols the independent
2-18 organization certified under Section 39.151 establishes under
2-19 Subsections (c) and (d) may require a transmission and distribution
2-20 utility, municipally owned utility, or electric cooperative to:

2-21 (1) request information about the distributed
2-22 generation facility from the owner or operator of the facility; and

2-23 (2) in the absence of any timely response to the
2-24 request for information under Subdivision (1) or if the information
2-25 reasonably appears to be incorrect, provide to its transmission
2-26 service provider a good-faith estimate of the information based on
2-27 field observation or other data using reasonable engineering
2-28 judgment.

2-29 (f) Notwithstanding Subsection (e), the transmission and
2-30 distribution utility, municipally owned utility, or electric
2-31 cooperative, in fulfilling any reporting obligation, may rely on
2-32 any existing record regarding the information required for a
2-33 distributed generation facility, if the transmission and
2-34 distribution utility, municipally owned utility, or electric
2-35 cooperative reasonably believes the information is accurate [~~This
2-36 section does not apply to distributed generation serving a
2-37 residential property~~].

2-38 SECTION 2. Section 39.9165(b-1), Utilities Code, as added
2-39 by this Act, applies only to a distributed generation facility
2-40 interconnected on or after September 1, 2023.

2-41 SECTION 3. This Act takes effect immediately if it receives
2-42 a vote of two-thirds of all the members elected to each house, as
2-43 provided by Section 39, Article III, Texas Constitution. If this
2-44 Act does not receive the vote necessary for immediate effect, this
2-45 Act takes effect September 1, 2023.

2-46 * * * * *