

By: King of Parker

H.B. No. 2483

A BILL TO BE ENTITLED

AN ACT

1
2 Relating to utility facilities for restoring service after
3 widespread outage.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter 2, Chapter 39, Utilities Code, is
6 amended by adding Section 39.918 to read as follows:

7 Sec. 39.918. UTILITY FACILITIES FOR RESTORING SERVICE AFTER
8 WIDESPREAD OUTAGE. (a) In this section, "widespread outage" means
9 any event that results in an electric power outage affecting a
10 significant number of distribution customers of a transmission and
11 distribution utility that results in a risk to the public's safety.

12 (b) Notwithstanding any provision in this subtitle, a
13 transmission and distribution utility may lease or own and operate
14 facilities that provide temporary, emergency electric energy to aid
15 in restoration of service to its own distribution customers during
16 a widespread outage.

17 (c) A transmission and distribution utility may procure and
18 own, or enter into a cooperative agreement with other utilities to
19 jointly procure and own, long lead time facilities that would aid in
20 restoration of electric service for its own distribution customers
21 following a widespread outage.

22 (d) The commission shall permit a transmission and
23 distribution utility that leases or owns and operates facilities
24 under this section to recover the costs of leasing or ownership and

1 operation of the facilities, using the rate of return on investment
2 established in the final order of the utility's most recent base
3 rate proceeding. The commission shall also authorize a utility to
4 defer incremental operations and maintenance expenses associated
5 with the leasing or ownership of the facilities for recovery in a
6 future ratemaking proceeding. A utility may request recovery of
7 the costs of leasing or ownership and operation of the facilities
8 under this section, including any deferred expenses, through a
9 proceeding under Section 26.210 or in another ratemaking
10 proceeding. At the time the utility seeks cost recovery of the
11 facilities, it shall submit an analysis of the costs and benefits of
12 owning versus leasing the facilities, if the facilities are
13 available in the competitive marketplace.

14 SECTION 2. This Act takes effect September 1, 2021.