

By: Gutierrez

S.B. No. 817

A BILL TO BE ENTITLED

AN ACT

relating to the winterization and emergency preparedness for electric utilities, power generation companies, municipally owned utilities, and electric cooperatives.

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

SECTION 1. Subtitle B, Title 4, Utilities Code, is amended by adding section 186.001A to read as follows:

Sec. 186.001A. LEGISLATIVE FINDINGS AND INTENT. The legislature finds that the state has failed to protect Texas families in its regulation and management of the electric grid. This failure has caused mass suffering, death, and exploitative energy pricing during a catastrophic emergency. The legislature further finds that the extreme weather events of February 2021 were foreseeable and will occur with greater frequency in the future. It is the intent of the legislature to prevent the collapse of the electric grid caused by extreme weather events and the exploitation of energy consumers during a statewide emergency.

SECTION 2. Subtitle B, Title 4, Utilities Code, is amended by adding section 186.008 to read as follows

Sec. 186.008. WEATHER EMERGENCY PREPAREDNESS. (a) In this section, "commission" means the Public Utility Commission of Texas.

(a-1) The commission shall require electric utilities as defined by Section 31.002, power generation companies, municipally owned utilities, and electric cooperatives that operate generation

1 facilities in this state to:

2 (1) prepare for extreme weather events to ensure  
3 reliable operation, meaning operating the elements of the power  
4 system within equipment and electric system thermal, voltage and  
5 stability limits, so that instability, uncontrolled separation or  
6 cascading will not occur as a result of a sudden disturbance,  
7 including a cybersecurity incident or unanticipated failure of  
8 system elements;

9 (2) obtain or perform a comprehensive engineering  
10 analysis to identify potential freezing problems or other cold  
11 weather operational issues. The analysis should identify:

12 (i) the lowest ambient temperatures at which the  
13 unit can reliably operate; and

14 (ii) components or systems that have the  
15 potential to initiate an automatic unit trip, prevent successful  
16 unit start-up, initiate automatic unit runback schemes or cause  
17 partial outages, adversely affect environmental controls that  
18 could cause full or partial outages, adversely affect the delivery  
19 of fuel to the units, or cause other operational problems such as  
20 slowed valve or damper operation;

21 (3) ensure that its heat tracing, insulation, lagging  
22 and wind breaks are designed to maintain water temperature (in  
23 those lines with standing water) at or above 40 degrees when ambient  
24 temperature, taking into account the accelerated heat loss due to  
25 wind, falls below freezing;

26 (4) determine the duration that a power system can  
27 maintain water, air, or fluid systems above freezing when offline,

1 and have contingency plans for periods of freezing temperatures  
2 exceeding this duration;

3 (5) establish policies that make winter preparation a  
4 priority each fall, establish personnel accountability and audit  
5 procedures, and reinforce the policies annually;

6 (6) develop a winter preventive maintenance program for  
7 its freeze protection elements, which should specify inspection and  
8 testing intervals both before and during the winter. At the end of  
9 winter, an additional round of inspections and testing should be  
10 performed and an evaluation made of freeze protection performance,  
11 in order to identify potential improvements, required maintenance,  
12 and freeze protection component replacement for the following  
13 winter season;

14 (7) prioritize repairs identified by the inspection and  
15 testing the proper functioning of freeze protection systems will be  
16 completed before the following winter;

17 (8) perform an assessment for each generating unit to  
18 determine the proper placement of temporary or permanent wind  
19 breaks or enclosures to protect and prevent freezing of critical  
20 and vulnerable elements during extreme weather, including in  
21 enclosed or semi-enclosed spaces. Temporary wind breaks should be  
22 designed to withstand high winds, and should be fabricated and  
23 installed before extreme weather begins;

24 (9) install thermometers in rooms containing equipment  
25 sensitive to cold and in freeze protection enclosures to ensure  
26 that temperature is being maintained above freezing and to  
27 determine the need for additional heaters or other freeze

1 protection; and

2 (10) fulfill any other standard adopted by the  
3 commission by rule concerning extreme weather preparedness.

4 (b) Before each winter begins and before a forecast freezing  
5 weather, electric utilities as defined by Section 31.002, power  
6 generation companies, municipally owned utilities, and electric  
7 cooperatives that operate generation facilities in this state shall  
8 inspect, test, or maintain:

9 (1) the power supply to all heat trace circuits,  
10 including all breakers and fuses;

11 (2) the continuity of all heat trace circuits, check  
12 the integrity of all connections in the heat trace circuits, and  
13 ensure that all insulation on heat traces is intact. This  
14 inspection should include checking for loose connections, broken  
15 wires, corrosion, and other damage to the integrity of electrical  
16 insulation which could cause grounds;

17 (3) all heat trace controls or monitoring devices for  
18 proper operation, including but not limited to thermostats, local  
19 and remote alarms, lights, and monitoring cabinet heaters;

20 (4) the amperage and voltage for its heat tracing  
21 circuits and calculate whether the circuits are producing the  
22 output specified in the design criteria, and maintain or repair the  
23 circuits as needed;

24 (5) all accessible thermal insulation and verify that  
25 there are no cuts, tears, or holes in the insulation, or evidence of  
26 degradation; and

27 (6) the valves and connections are insulated to the

1 same temperature specifications as the piping connected to it.

2 (c) Electric utilities as defined by Section 31.002, power  
3 generation companies, municipally owned utilities, and electric  
4 cooperatives that operate generation facilities in this state shall  
5 train their personnel annually to increase awareness of the  
6 capabilities and limitations of the freeze protection monitoring  
7 system, proper methods to check insulation integrity and the  
8 reliability and output of heat tracing, and prioritization of  
9 repair orders when problems are discovered.

10 (d) During an extreme weather event that endangers reliable  
11 operation of the power system, electric utilities as defined by  
12 Section 31.002, power generation companies, municipally owned  
13 utilities, and electric cooperatives that operate generation  
14 facilities in this state shall:

15 (1) schedule additional personnel for around-the-clock  
16 coverage of the power system; and

17 (2) drain any non-critical service water lines in  
18 anticipation of severe cold weather.

19 (e) A violation of this subchapter that interrupts the  
20 delivery of water, electric, or gas utility service in this state is  
21 punishable by a fine not to exceed \$100,000 for each day the system  
22 remains in violation.

23 (f) The commission shall exercise all power available under  
24 the constitution and laws of this state to protect the public from  
25 dangers incident to an interruption in water, electric, or gas  
26 utility service in this state that occurs because of a violation of  
27 this subchapter.

1        (g) The commission shall adopt rules necessary to implement  
2 this section.

3            SECTION 3. EFFECTIVE DATE.        This Act takes effect  
4 immediately if it receives a vote of two-thirds of all the members  
5 elected to each house, as provided by Section 39, Article III, Texas  
6 Constitution. If this Act does not receive the vote necessary for  
7 immediate effect, this Act takes effect September 1, 2021.