

By: Hancock

S.B. No. 1281

A BILL TO BE ENTITLED

AN ACT

relating to certificates of public convenience and necessity for certain transmission projects.

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

SECTION 1. Section 37.052, Utilities Code, is amended by adding Subsection (c) to read as follows:

(c) An electric utility is not required to amend the utility's certificate of public convenience and necessity to construct a transmission line that connects the utility's existing transmission facilities to a load-serving substation or metering point if:

(1) the transmission line does not exceed three miles in length;

(2) each landowner whose property would be directly affected by the transmission line, as provided by commission rules, provides written consent for the transmission line; and

(3) all rights-of-way necessary for construction of the transmission line have been purchased.

SECTION 2. Section 37.056(d), Utilities Code, is amended to read as follows:

(d) The commission by rule shall establish criteria, in addition to the criteria described by Subsection (c), for granting a certificate for a transmission project that serves the ERCOT power region, that is not necessary to meet state or federal

1 reliability standards, and that is not included in a plan developed
2 under Section 39.904(g) [~~does not serve a competitive renewable~~
3 ~~energy zone~~]. The criteria must include a comparison of the
4 estimated cost of the transmission project for consumers and the
5 estimated cost savings for consumers that may result from the
6 transmission project. The commission shall include with its
7 decision on an application for a certificate to which this
8 subsection applies findings on the criteria.

9 SECTION 3. The changes in law made by this Act apply only to
10 a proceeding affecting a certificate of public convenience and
11 necessity that commences on or after the effective date of this Act.
12 A proceeding affecting a certificate of public convenience and
13 necessity that commenced before the effective date of this Act is
14 governed by the law in effect on the date the proceeding is
15 commenced, and that law is continued in effect for that purpose.

16 SECTION 4. This Act takes effect September 1, 2021.