

By: Darby

H.B. No. 2263

Substitute the following for H.B. No. 2263:

By: Darby

C.S.H.B. No. 2263

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of a natural gas local distribution
3 company to offer energy conservation programs.

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

5 SECTION 1. Chapter 104, Utilities Code, is amended by
6 adding Subchapter J to read as follows:

7 SUBCHAPTER J. NATURAL GAS ENERGY CONSERVATION PROGRAMS

8 Sec. 104.401. DEFINITIONS. In this subchapter:

9 (1) "Energy conservation program" means a program that
10 promotes energy conservation or energy efficiency.

11 (2) "Local distribution company" means a gas utility
12 that operates a retail gas distribution system.

13 Sec. 104.402. ENERGY CONSERVATION PROGRAM AUTHORITY. (a)
14 A local distribution company may offer to customers and prospective
15 customers and provide to customers an energy conservation program
16 in the manner provided by this subchapter.

17 (b) The railroad commission has exclusive original
18 jurisdiction over energy conservation programs implemented by
19 local distribution companies.

20 (c) A political subdivision served by a local distribution
21 company that implements an energy conservation program approved by
22 the railroad commission under this subchapter may not limit,
23 restrict, or otherwise prevent an eligible customer from
24 participating in the energy conservation program based on the type

1 or source of energy delivered to the customer.

2 Sec. 104.403. ENERGY CONSERVATION PROGRAM COST RECOVERY.

3 (a) A local distribution company may recover costs prudently
4 incurred to implement one or more energy conservation programs,
5 including costs incurred to design, market, implement, administer,
6 and deliver an energy conservation program and an amount equal to
7 the reduction in the local distribution company's marginal revenues
8 due to the lower sales or demand resulting from the energy
9 conservation program, if:

10 (1) the company applies to the railroad commission at
11 least once every three years under this subchapter for review and
12 approval of the company's energy conservation programs; and

13 (2) the railroad commission approves cost recovery for
14 the company's energy conservation programs.

15 (b) The railroad commission by rule shall require a local
16 distribution company that implements an energy conservation
17 program under this subchapter to submit to the railroad commission
18 an annual report on:

19 (1) the performance of the company's energy
20 conservation programs for the preceding year; and

21 (2) the company's planned energy conservation programs
22 for the upcoming year.

23 (c) An application submitted under Subsection (a) must
24 include:

25 (1) a summary of and objectives for the local
26 distribution company's energy conservation programs;

27 (2) a description of each program;

1 (3) a proposed budget for each program;

2 (4) the projected consumption reduction or cost
3 savings for each program; and

4 (5) any public input compiled by the local
5 distribution company on the proposed programs as required by the
6 railroad commission.

7 (d) The railroad commission by rule may:

8 (1) determine a cost recovery mechanism for timely
9 recovery of costs described by Subsection (a); and

10 (2) ensure that costs described by Subsection (a) are
11 allocated to the customer classes eligible for participation in the
12 energy conservation program.

13 (e) Energy conservation programs proposed under this
14 section may be combined in a portfolio to provide incentives and
15 services to encourage energy conservation. The portfolio:

16 (1) must be designed to overcome barriers to the
17 adoption of energy-efficient equipment, technologies, and
18 processes and be designed to change customer behavior as necessary;
19 and

20 (2) may include measures such as:

21 (A) direct financial incentives;

22 (B) technical assistance and information,
23 including building energy performance analyses performed by the
24 local distribution company or a third party approved by the
25 company;

26 (C) discounts or rebates for products; and

27 (D) weatherization for low-income customers.

1 (f) A proceeding filed under this section is not a
2 ratemaking proceeding for the purposes of Section 103.022.

3 (g) A local distribution company implementing an energy
4 conservation program under this subchapter shall reimburse the
5 railroad commission for the utility's proportionate share of the
6 railroad commission's costs related to administration of reviewing
7 and approving or denying cost recovery applications under this
8 subchapter.

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