

By: Hunter

H.B. No. 3387

A BILL TO BE ENTITLED

AN ACT

relating to the participation of aggregated distributed energy resources in the ERCOT market.

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

SECTION 1. Section 31.002(17), Utilities Code, is amended to read as follows:

(17) "Retail electric provider" means a person that sells electric energy to retail customers in this state. A retail electric provider may not own or operate generation assets but may aggregate distributed energy resources. The term does not include a person not otherwise a retail electric provider who owns or operates equipment used solely to provide electricity charging service for consumption by an alternatively fueled vehicle, as defined by Section 502.004, Transportation Code.

SECTION 2. Section 39.351, Utilities Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A person may not generate electricity unless the person is:

(1) registered with the commission as a power generation company in accordance with this section; or

(2) aggregating distributed energy resources under Section 39.3515.

(a-1) A person may register as a power generation company by

1 filing the following information with the commission:

2 (1) a description of the location of any facility used
3 to generate electricity;

4 (2) a description of the type of services provided;

5 (3) a copy of any information filed with the Federal
6 Energy Regulatory Commission in connection with registration with
7 that commission; and

8 (4) any other information required by commission rule,
9 provided that in requiring that information the commission shall
10 protect the competitive process in a manner that ensures the
11 confidentiality of competitively sensitive information.

12 SECTION 3. Subchapter H, Chapter 39, Utilities Code, is
13 amended by adding Section 39.3515 to read as follows:

14 Sec. 39.3515. AGGREGATED DISTRIBUTED ENERGY RESOURCES. (a)
15 A person who aggregates distributed energy resources shall:

16 (1) comply with rules, guidelines, and registration
17 requirements established by the commission and by Chapter 17 and
18 this chapter that apply to distributed energy resources; and

19 (2) ensure the compliance of a subcontractor, an
20 agent, or any other entity compensated by the person for all
21 distributed energy resource activities conducted on the person's
22 behalf by a subcontractor, agent, or other entity.

23 (b) The commission may establish rules and registration
24 requirements for the aggregation of distributed energy resources.

25 SECTION 4. This Act takes effect September 1, 2023.