

AN ACT

relating to the provision of information regarding distributed generation and certain electrical loads.

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

SECTION 1. Section 39.9165, Utilities Code, is amended to read as follows:

Sec. 39.9165. DISTRIBUTED GENERATION FACILITY REPORTING.

(a) In this section:

(1) "Distributed generation facility" [~~,"distributed generation"~~] is an electrical generating facility, including an energy storage facility, that:

(A) [~~(1) may be located at a customer's point of delivery;~~

~~(2)]~~ is connected at a voltage less than 60 kilovolts; and

(B) is capable of being [~~(3) may be~~] connected in parallel operation to the utility system.

(2) "Transmission service provider" means a transmission and distribution utility, municipally owned utility, or electric cooperative that owns or operates facilities used for the transmission of electricity.

(b) An independent organization certified under Section 39.151 may establish protocols to [~~shall~~] require a person who owns or operates a [~~an owner or operator of~~] distributed generation

1 facility interconnected to a utility system operating in the power
2 region served by the independent organization, or who seeks to
3 interconnect such a facility, to provide to the interconnecting
4 transmission and distribution utility, municipally owned utility,
5 or electric cooperative information about the distributed
6 generation facility that the independent organization determines
7 is necessary for maintaining system reliability [~~to register with~~
8 ~~the organization and interconnecting transmission and distribution~~
9 ~~utility information necessary for the interconnection of the~~
10 ~~distributed generator~~].

11 (b-1) Protocols adopted under Subsection (b) may require
12 that the information be provided as a condition to interconnecting
13 the distributed generation facility.

14 (c) An independent organization certified under Section
15 39.151 may establish protocols to require a transmission service
16 provider operating in the power region served by the independent
17 organization to report to the independent organization, in
18 aggregate by delivery point, information the independent
19 organization determines is necessary for maintaining system
20 reliability regarding distributed generation facilities and
21 distribution-connected loads that:

22 (1) are not registered with the independent
23 organization; and

24 (2) are connected to the utility systems served by the
25 transmission service provider.

26 (d) An independent organization certified under Section
27 39.151 may establish protocols to require a transmission and

1 distribution utility, municipally owned utility, or electric
2 cooperative that is not required to report load information
3 directly to the independent organization regarding the delivery
4 points interconnected with its facilities to provide information to
5 the utility's or cooperative's transmission service provider for
6 purposes of the report described by Subsection (c).

7 (e) For a distributed generation facility interconnected
8 before September 1, 2023, any protocols the independent
9 organization certified under Section 39.151 establishes under
10 Subsections (c) and (d) may require a transmission and distribution
11 utility, municipally owned utility, or electric cooperative to:

12 (1) request information about the distributed
13 generation facility from the owner or operator of the facility; and

14 (2) in the absence of any timely response to the
15 request for information under Subdivision (1) or if the information
16 reasonably appears to be incorrect, provide to its transmission
17 service provider a good-faith estimate of the information based on
18 field observation or other data using reasonable engineering
19 judgment.

20 (f) Notwithstanding Subsection (e), the transmission and
21 distribution utility, municipally owned utility, or electric
22 cooperative, in fulfilling any reporting obligation, may rely on
23 any existing record regarding the information required for a
24 distributed generation facility, if the transmission and
25 distribution utility, municipally owned utility, or electric
26 cooperative reasonably believes the information is accurate [~~This~~

27 ~~section does not apply to distributed generation serving a~~

1 ~~residential property~~].

2 SECTION 2. Section 39.9165(b-1), Utilities Code, as added
3 by this Act, applies only to a distributed generation facility
4 interconnected on or after September 1, 2023.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 3390 was passed by the House on May 1, 2023, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3390 was passed by the Senate on May 15, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor