

By: Hunter

H.B. No. 3390

Substitute the following for H.B. No. 3390:

By: Geren

C.S.H.B. No. 3390

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

7 Sec. 39.9165. DISTRIBUTED GENERATION FACILITY REPORTING.

8 (a) In this section:

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

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

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

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

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

22 (b) An independent organization certified under Section  
23 39.151 may establish protocols to [~~shall~~] require a person who owns  
24 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.