

By: Turner

H.B. No. 4647

A BILL TO BE ENTITLED

AN ACT

1
2 relating to programs to provide assistance for certain electric
3 customers.

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

5 SECTION 1. Section 39.002, Utilities Code, as amended by
6 Chapters 908 (H.B. 4492) and 950 (S.B. 1580), Acts of the 87th
7 Legislature, Regular Session, 2021, is reenacted and amended to
8 read as follows:

9 Sec. 39.002. APPLICABILITY. This chapter, other than
10 Sections 39.151, 39.1516, 39.155, 39.157(e), 39.159, 39.160,
11 39.203, 39.9035, 39.9036, 39.904, 39.9051, 39.9052, and 39.914(e),
12 and Subchapters M and N, does not apply to a municipally owned
13 utility or an electric cooperative. Sections 39.157(e), 39.203,
14 and 39.904, however, apply only to a municipally owned utility or an
15 electric cooperative that is offering customer choice. If there is
16 a conflict between the specific provisions of this chapter and any
17 other provisions of this title, except for Chapters 40 and 41, the
18 provisions of this chapter control.

19 SECTION 2. Subchapter 2, Chapter 39, Utilities Code, is
20 amended by adding Sections 39.9035 and 39.9036 to read as follows:

21 Sec. 39.9035. EMERGENCY ON-SITE GENERATOR FUND. (a) In
22 this section, "fund" means the emergency on-site generator fund.

23 (b) The fund is an account in the general revenue fund.
24 Money in the account may be appropriated only for the program

1 described by Subsection (e) or as provided by other law.

2 (c) The fund consists of:

3 (1) money appropriated, credited, or transferred to
4 the fund by the legislature;

5 (2) gifts or grants contributed to the fund; and

6 (3) interest earned on deposits and investments of the
7 fund.

8 (d) The commission shall administer the fund.

9 (e) The commission shall establish a program to provide
10 funding to assist entities for whom electric service is considered
11 crucial for the protection or maintenance of public safety with
12 procuring emergency on-site generators or comparable emergency
13 on-site power sources for use during a power outage.

14 (f) Assistance under the fund may only be used to procure an
15 emergency on-site generator or comparable emergency on-site power
16 source that:

17 (1) has a capacity of less than 10 megawatts; and

18 (2) is not operated in parallel with the transmission
19 or distribution system.

20 (g) An entity that receives assistance under the fund to
21 procure an emergency on-site generator or comparable emergency
22 on-site power source:

23 (1) must use the equipment exclusively for power
24 consumption by the entity at the entity's facilities; and

25 (2) may not:

26 (A) sell any surplus power generated by the
27 equipment; or

1 (B) participate in a load reduction program for
2 compensation.

3 (h) The sale of an emergency on-site generator or comparable
4 emergency on-site power source to an entity eligible for assistance
5 under the fund is a competitive energy service.

6 (i) The commission shall adopt rules necessary to
7 administer this section, including rules establishing eligibility
8 criteria for assistance under the fund.

9 Sec. 39.9036. LOW-INCOME CRITICAL CARE RESIDENTIAL
10 CUSTOMER ASSISTANCE FUND. (a) In this section:

11 (1) "Critical care residential customer" has the
12 meaning assigned by Section 17.002.

13 (2) "Eligible device" means electrically powered
14 medical equipment that mechanically or artificially sustains life
15 or restores or replaces a vital physical function, including a home
16 dialysis machine or a home oxygen concentrator.

17 (3) "Fund" means the low-income critical care
18 residential customer assistance fund.

19 (4) "Low-income customer" means an electric customer
20 designated as a low-income customer under Section 17.007 and
21 commission rules.

22 (5) "Portable backup battery" means a back-up battery
23 system that is capable of being operated without being connected to
24 an electric service panel.

25 (b) The fund is an account in the general revenue fund.
26 Money in the account may be appropriated only for the program
27 described by Subsection (e) or as provided by other law.

1 (c) The fund consists of:

2 (1) money appropriated, credited, or transferred to
3 the fund by the legislature;

4 (2) gifts or grants contributed to the fund; and

5 (3) interest earned on deposits and investments of the
6 fund.

7 (d) The commission shall administer the fund.

8 (e) The commission shall establish a program to provide
9 funding to low-income critical care residential customers to secure
10 portable backup batteries to operate eligible devices in the
11 customers' homes during a power outage.

12 (f) Assistance under the fund may only be used to procure a
13 portable backup battery that when fully charged and operated
14 correctly is capable of running an eligible device for up to 48
15 hours.

16 (g) The sale or provision of a portable backup battery to a
17 person who receives assistance under the fund is a competitive
18 energy service.

19 (h) The commission may enable funding to be made available
20 to competitive energy service providers through an energy
21 efficiency program under Section 39.905.

22 (i) The commission shall adopt rules necessary to
23 administer this section.

24 SECTION 3. It is the intent of the 88th Legislature, Regular
25 Session, 2023, that the amendments made by this Act be harmonized
26 with another Act of the 88th Legislature, Regular Session, 2023,
27 relating to nonsubstantive additions to and corrections in enacted

1 codes.

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