

By: Slawson

H.B. No. 4952

A BILL TO BE ENTITLED

AN ACT

relating to the security of the electricity supply chain.

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

SECTION 1. Section 38.077, Utilities Code, is amended to read as follows:

Sec. 38.077. RELIABILITY [~~LOAD SHEDDING~~] EXERCISES. (a) In this section, "critical facility" means a transmission substation and any associated control centers that, if rendered inoperable or damaged because of a physical attack, could cause widespread instability, uncontrolled separation, or cascading outages within an interconnection.

(b) The commission and the independent organization certified for the ERCOT power region shall conduct simulated or tabletop load shedding exercises with providers of electric generation service and transmission and distribution service in the ERCOT power region.

~~[(b)]~~ The commission shall ensure that each year at least one simulated or tabletop exercise is conducted during a summer month and one simulated or tabletop exercise is conducted during a winter month.

(c) The commission and the independent organization certified for the ERCOT power region shall conduct simulated or tabletop load shedding exercises with providers of electric generation service and transmission and distribution service in the

1 ERCOT power region to mitigate and prepare for a threat of an attack
2 or an actual physical attack on a critical facility. The exercises
3 required by this subsection are in addition to the exercises
4 required by Subsection (b) and any requirements of the North
5 American Electric Reliability Corporation Critical Infrastructure
6 Protection plan standards. The commission and the independent
7 organization shall conduct the exercises under this subsection at
8 least once every two years.

9 (d) A simulated or tabletop load shedding exercise
10 conducted under Subsection (c) must identify the roles and
11 responsibilities of the following in the event of a threat of an
12 attack or an actual physical attack on a critical facility:

- 13 (1) transmission and distribution service providers;
14 (2) law enforcement;
15 (3) the independent organization certified for the
16 ERCOT power region; and
17 (4) the commission.

18 (e) A transmission and distribution service provider is not
19 required to disclose the specific location of the provider's
20 critical substations to the commission or the independent
21 organization certified for the ERCOT power region for the purposes
22 of a simulated or tabletop load shedding exercise conducted under
23 Subsection (c).

24 SECTION 2. Subchapter F, Chapter 38, Utilities Code, is
25 amended by adding Section 38.205 to read as follows:

26 Sec. 38.205. PHYSICAL SECURITY OF CRITICAL FACILITIES. (a)
27 In this section, "critical facility" means a transmission

1 substation and any associated control center the inoperability of
2 which could result in widespread instability, uncontrolled
3 separation, or cascading outages within an interconnection.

4 (b) The commission shall require each electric utility,
5 electric cooperative, municipally owned utility, river authority
6 that owns electric transmission assets, and transmission and
7 distribution utility to provide to the chair of the committee the
8 following information:

9 (1) the location of any critical facility owned or
10 operated by the utility, cooperative, or authority;

11 (2) security measures in place to protect each
12 critical facility against physical attack; and

13 (3) contact information for the applicable utility,
14 cooperative, or authority.

15 (c) The chair of the committee may share information
16 provided to the chair under Subsection (b) related to a physical
17 attack or a threat of a physical attack on a critical facility with
18 a law enforcement agency that has jurisdiction over the critical
19 facility.

20 (d) The chair of the committee shall provide the Department
21 of Public Safety with access to the information provided to the
22 chair of the committee under Subsection (b).

23 (e) Information provided to the chair of the committee or
24 the Department of Public Safety under this section is confidential
25 under Section 418.181, Government Code, and not subject to
26 disclosure under Chapter 552, Government Code.

27 SECTION 3. Not later than December 31, 2024, the commission

1 and the independent organization certified under Section 39.151,
2 Utilities Code, for the ERCOT power region shall conduct a
3 simulated or tabletop load shedding exercise with each provider of
4 electric generation service and of transmission and distribution
5 service as required by Section 38.077(c), Utilities Code, as added
6 by this Act.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2023.