

By: Geren

H.B. No. 5066

A BILL TO BE ENTITLED

AN ACT

relating to electricity service in areas of this state with a need for transmission projects.

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

SECTION 1. Sections 37.056(c) and (c-1), Utilities Code, are amended to read as follows:

(c) The commission shall grant each certificate on a nondiscriminatory basis after considering:

(1) the adequacy of existing service;

(2) the need for additional service;

(3) the effect of granting the certificate on the recipient of the certificate and any electric utility serving the proximate area; and

(4) other factors, such as:

(A) community values;

(B) recreational and park areas;

(C) historical and aesthetic values;

(D) environmental integrity;

(E) the probable improvement of service or lowering of cost to consumers in the area if the certificate is granted, including any potential economic or reliability benefits associated with dual fuel and fuel storage capabilities in areas outside the ERCOT power region; and

(F) the need for extending transmission service

1 where existing or projected electrical loads will be underserved,  
2 including where:

3 (i) the existing transmission service is  
4 unreasonably remote;

5 (ii) the available capacity is unreasonably  
6 limited at transmission or distribution voltage level; or

7 (iii) the electrical load cannot be  
8 interconnected in a timely manner [~~to the extent applicable, the~~  
9 ~~effect of granting the certificate on the ability of this state to~~  
10 ~~meet the goal established by Section 39.904(a) of this title].~~

11 (c-1) In considering the need for additional service under  
12 Subsection (c)(2) for a reliability transmission project that  
13 serves the ERCOT power region or under Subsection (c)(4)(F), the  
14 commission must consider the historical load, forecasted load  
15 growth, and additional load currently seeking interconnection,  
16 including load for which the electric utility has yet to sign an  
17 interconnection agreement, as determined by the electric utility  
18 with the responsibility for serving the load.

19 SECTION 2. Section 37.057, Utilities Code, is amended to  
20 read as follows:

21 Sec. 37.057. DEADLINE FOR APPLICATION FOR NEW TRANSMISSION  
22 FACILITY. The commission must approve or deny an application for a  
23 certificate for a new transmission facility not later than the  
24 180th day after [~~the first anniversary of~~] the date the application  
25 is filed. If the commission does not approve or deny the  
26 application on or before that date, a party may seek a writ of  
27 mandamus in a district court of Travis County to compel the

1 commission to decide on the application.

2 SECTION 3. Subchapter D, Chapter 39, Utilities Code, is  
3 amended by adding Sections 39.166 and 39.167 to read as follows:

4 Sec. 39.166. RELIABILITY PLAN FOR REGIONS WITH RAPID  
5 ELECTRICAL LOAD GROWTH. If the commission identifies a region in  
6 which transmission capacity is insufficient to meet the region's  
7 existing and forecasted electrical load, as reasonably determined  
8 by the certificated transmission service provider, the commission  
9 shall develop and implement a reliability plan to serve existing  
10 and forecasted electrical load in the identified region. The plan  
11 shall ensure timely planning, identification, and approval of  
12 necessary transmission service improvements under existing rules.

13 Sec. 39.167. RELIABILITY PLAN FOR PERMIAN BASIN. (a) Not  
14 later than January 30, 2024, the commission shall develop a  
15 reliability plan under Section 39.166 for the Permian Basin region.

16 (b) The plan must:

17 (1) address extending transmission service to areas  
18 where mineral resources have been found;

19 (2) address increasing available capacity to meet  
20 forecasted load for the next decade; and

21 (3) provide available infrastructure to reduce  
22 interconnection times in areas without access to transmission  
23 service.

24 (c) This section expires September 1, 2025.

25 SECTION 4. The changes in law made by this Act apply only to  
26 a proceeding affecting a certificate of public convenience and  
27 necessity that commences on or after the effective date of this Act.

1 A proceeding affecting a certificate of public convenience and  
2 necessity that commenced before the effective date of this Act is  
3 governed by the law in effect on the date the proceeding is  
4 commenced, and that law is continued in effect for that purpose.

5 SECTION 5. 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.