

1-1 By: Geren (Senate Sponsor - Schwertner) H.B. No. 5066
 1-2 (In the Senate - Received from the House May 8, 2023;
 1-3 May 9, 2023, read first time and referred to Committee on Business
 1-4 & Commerce; May 18, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 May 18, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 5066 By: Nichols

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to electricity service in areas of this state with a need
 1-24 for transmission projects.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Sections 37.056(c) and (c-1), Utilities Code,
 1-27 are amended to read as follows:

1-28 (c) The commission shall grant each certificate on a
 1-29 nondiscriminatory basis after considering:

- 1-30 (1) the adequacy of existing service;
- 1-31 (2) the need for additional service;
- 1-32 (3) the effect of granting the certificate on the
 1-33 recipient of the certificate and any electric utility serving the
 1-34 proximate area; and

- 1-35 (4) other factors, such as:
 - 1-36 (A) community values;
 - 1-37 (B) recreational and park areas;
 - 1-38 (C) historical and aesthetic values;
 - 1-39 (D) environmental integrity;
 - 1-40 (E) the probable improvement of service or

1-41 lowering of cost to consumers in the area if the certificate is
 1-42 granted, including any potential economic or reliability benefits
 1-43 associated with dual fuel and fuel storage capabilities in areas
 1-44 outside the ERCOT power region; and

1-45 (F) the need for extending transmission service
 1-46 where existing or projected electrical loads will be underserved,
 1-47 including where:

- 1-48 (i) the existing transmission service is
- 1-49 unreasonably remote;
- 1-50 (ii) the available capacity is unreasonably
- 1-51 limited at transmission or distribution voltage level; or
- 1-52 (iii) the electrical load cannot be
- 1-53 interconnected in a timely manner [~~to the extent applicable, the~~
 1-54 ~~effect of granting the certificate on the ability of this state to~~
 1-55 ~~meet the goal established by Section 39.904(a) of this title].~~

1-56 (c-1) In considering the need for additional service under
 1-57 Subsection (c)(2) for a reliability transmission project that
 1-58 serves the ERCOT power region or under Subsection (c)(4)(F), the
 1-59 commission must consider the historical load, forecasted load
 1-60 growth, and additional load currently seeking interconnection,

2-1 including load for which the electric utility has yet to sign an
2-2 interconnection agreement, as determined by the electric utility
2-3 with the responsibility for serving the load.

2-4 SECTION 2. Section 37.057, Utilities Code, is amended to
2-5 read as follows:

2-6 Sec. 37.057. DEADLINE FOR APPLICATION FOR NEW TRANSMISSION
2-7 FACILITY. The commission must approve or deny an application for a
2-8 certificate for a new transmission facility not later than the
2-9 180th day after [~~the first anniversary of~~] the date the application
2-10 is filed. If the commission does not approve or deny the
2-11 application on or before that date, a party may seek a writ of
2-12 mandamus in a district court of Travis County to compel the
2-13 commission to decide on the application.

2-14 SECTION 3. Subchapter D, Chapter 39, Utilities Code, is
2-15 amended by adding Sections 39.166 and 39.167 to read as follows:

2-16 Sec. 39.166. RELIABILITY PLAN FOR REGIONS WITH RAPID
2-17 ELECTRICAL LOAD GROWTH. (a) The commission shall direct the
2-18 independent organization certified under Section 39.151 for the
2-19 ERCOT power region to:

2-20 (1) identify each region in which transmission
2-21 capacity is insufficient to meet the region's existing and
2-22 forecasted electrical load, as reasonably determined by the
2-23 certificated transmission service provider; and

2-24 (2) develop a reliability plan to serve existing and
2-25 forecasted electrical load in the identified region.

2-26 (b) The commission shall develop a plan to implement each
2-27 reliability plan adopted under Subsection (a) to ensure timely
2-28 development and approval of necessary transmission service
2-29 improvements.

2-30 Sec. 39.167. RELIABILITY PLAN FOR PERMIAN BASIN. (a) Not
2-31 later than January 30, 2024, the commission shall direct the
2-32 independent organization certified under Section 39.151 for the
2-33 ERCOT power region to develop a reliability plan under Section
2-34 39.166 for the Permian Basin region.

2-35 (b) The plan must:

2-36 (1) address extending transmission service to areas
2-37 where mineral resources have been found;

2-38 (2) address increasing available capacity to meet
2-39 forecasted load; and

2-40 (3) provide available infrastructure to reduce
2-41 interconnection times in areas without access to transmission
2-42 service.

2-43 (c) This section expires September 1, 2025.

2-44 SECTION 4. The changes in law made by this Act apply only to
2-45 a proceeding affecting a certificate of public convenience and
2-46 necessity that commences on or after the effective date of this Act.
2-47 A proceeding affecting a certificate of public convenience and
2-48 necessity that commenced before the effective date of this Act is
2-49 governed by the law in effect on the date the proceeding is
2-50 commenced, and that law is continued in effect for that purpose.

2-51 SECTION 5. This Act takes effect immediately if it receives
2-52 a vote of two-thirds of all the members elected to each house, as
2-53 provided by Section 39, Article III, Texas Constitution. If this
2-54 Act does not receive the vote necessary for immediate effect, this
2-55 Act takes effect September 1, 2023.

* * * * *