

By: Johnson

S.B. No. 1699

A BILL TO BE ENTITLED

AN ACT

relating to the participation of aggregated distributed energy resources in the ERCOT market.

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

SECTION 1. Section 31.002(17), Utilities Code, is amended to read as follows:

(17) "Retail electric provider" means a person that sells electric energy to retail customers in this state. A retail electric provider may not own or operate generation assets but may aggregate distributed energy resources under Section 39.3515. The term does not include a person not otherwise a retail electric provider who owns or operates equipment used solely to provide electricity charging service for consumption by an alternatively fueled vehicle, as defined by Section 502.004, Transportation Code.

SECTION 2. Section 39.351, Utilities Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A person may not generate electricity unless:

(1) the person is registered with the commission as a power generation company in accordance with this section; or

(2) the electricity is generated as part of a registered aggregate distributed energy resource under Section 39.3515.

(a-1) A person may register as a power generation company by

1 filing the following information with the commission:

2 (1) a description of the location of any facility used
3 to generate electricity;

4 (2) a description of the type of services provided;

5 (3) a copy of any information filed with the Federal
6 Energy Regulatory Commission in connection with registration with
7 that commission; and

8 (4) any other information required by commission rule,
9 provided that in requiring that information the commission shall
10 protect the competitive process in a manner that ensures the
11 confidentiality of competitively sensitive information.

12 SECTION 3. Subchapter H, Chapter 39, Utilities Code, is
13 amended by adding Section 39.3515 to read as follows:

14 Sec. 39.3515. AGGREGATE DISTRIBUTED ENERGY RESOURCES. (a)

15 A person who aggregates distributed energy resources:

16 (1) is not required to register as a power generation
17 company to aggregate the resources;

18 (2) shall comply with rules, guidelines, and
19 registration requirements established by the commission and by
20 Chapter 17 and this chapter; and

21 (3) remains accountable for compliance with the
22 applicable statutes and rules by a subcontractor, an agent, or any
23 other entity compensated by the person for activities conducted on
24 the person's behalf.

25 (b) The commission may establish rules and registration
26 requirements for the aggregation of distributed energy resources.

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