

By: Burnam

H.B. No. 3909

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring a preference for the use of less-polluting
3 electric generating facilities.

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

5 SECTION 1. Section 39.151, Utilities Code, is amended by
6 adding Subsection (n) to read as follows:

7 (n) The commission by rule shall require the independent
8 organization to implement dispatch protocols that give priority to
9 power:

10 (1) generated by facilities that have the lowest
11 weighted average emissions or production of pollutants, as
12 determined from information provided to the commission under
13 Section 39.351(d); and

14 (2) that is priced at an amount that does not exceed
15 110 percent of the lowest price of any power generated on that day
16 by a generator in the power region.

17 SECTION 2. Section 39.351, Utilities Code, is amended by
18 adding Subsection (d) to read as follows:

19 (d) A power generation company annually shall report to the
20 commission for each generating facility the weight in tons or
21 pounds, as appropriate, of the following air contaminants emitted
22 or produced for each megawatt hour of electric energy generated by
23 the facility during the previous year:

24 (1) sulphur oxides;

- 1 (2) nitrogen oxides;
- 2 (3) particulate matter;
- 3 (4) mercury;
- 4 (5) carbon dioxide; and
- 5 (6) radioactive waste.

6 SECTION 3. (a) The Public Utility Commission of Texas shall
7 require the Electric Reliability Council of Texas to implement
8 dispatch protocols as required by Section 39.151(n), Utilities
9 Code, as added by this Act, not later than November 1, 2007.

10 (b) The Public Utility Commission of Texas shall require
11 each power generation company to file the report required by
12 Section 39.351(d), Utilities Code, as added by this Act, not later
13 than October 1, 2007.

14 SECTION 4. This Act takes effect September 1, 2007.