

Amend HB 4409 by adding the following language on page 3, line 7:

(16) The Division shall in coordination with the Texas Commission on Environmental Quality adopt rules to require a retail public utility that serves customers in a county any territory of which is located not more than 100 miles from the Gulf of Mexico to adopt and submit to the commission for its approval an emergency preparedness plan that ensures that, in the event of a local power outage during the next year, the retail public utility maintains the ability to provide water to the local distribution system with at least the minimum water pressure required under commission rules; and sewer services to all existing customers.

(a) An emergency preparedness plan must provide for:

(1) the maintenance of automatically starting auxiliary generators for that purpose; If a retail public utility's emergency preparedness plan provides for the maintenance of automatically starting auxiliary generators, the retail public utility must include with the plan a proposed schedule for the regular servicing, testing, and operation of the generators that complies with commission rules. A retail public utility that maintains auxiliary generators shall maintain a log of the regular servicing, testing, and operation of the generators and shall submit a copy of the log to the commission with its yearly emergency preparedness plan. The commission may inspect the log at any time before the retail public utility submits the log to the commission.

(2) or the retail public utility's participation in a recognized statewide mutual aid program, if the commission finds that the utility's participation in the program will provide the utility with access to auxiliary generators and other necessary aid or equipment sufficient for the utility to restore service not later than the 36th hour after the hour the local power outage begins.

(b) The commission may impose an administrative penalty on a person licensed under this chapter who violates this section or a rule or order adopted under this section. The commission by rule shall prescribe standards relating to the servicing, testing, and operation of auxiliary power generators used in the implementation

of an emergency preparedness plan.