

By: Eiland

H.B. No. 4098

A BILL TO BE ENTITLED

AN ACT

relating to distributed solar generation of electric power.

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

SECTION 1. Section 39.914, Utilities Code, is amended as follows:

(a) An electric utility or retail electric provider shall provide for net metering and contract with an independent school district or other customer who owns or operates a qualifying distributed solar generation facility so that~~+~~

~~[(1)] surplus electricity produced by [a school building's]~~ the customer's qualifying solar electric generation facility [panels] is made available for ~~[sale]~~ delivery to the electric transmission grid ~~[and distribution system; and~~

~~[(2) the net value of that surplus electricity is credited to the district].~~

(b) ~~[For areas of this state in which customer choice has not been introduced, the commission by rule shall require that credits for electricity produced by a school building's solar electric generation panels reflect the value of the electricity that is made available for sale to the electric utility in accordance with federal regulations.]~~ In an area of this state in which customer choice has not been introduced, a customer may sell to the electric utility any surplus electricity produced from its qualifying distributed solar generation facility that is delivered

1 to the grid, at a price that reflects the utility's cost of
2 producing or buying energy, by date and time, or at the retail price
3 of electricity delivered to the customer.

4 ~~(c) [For independent school districts in areas in which~~
5 ~~customer choice has been introduced, the district must sell the~~
6 ~~school buildings' surplus electricity produced to the retail~~
7 ~~electric provider that serves the school district's load at a value~~
8 ~~agreed to between the district and the provider that serves the~~
9 ~~district's load. The agreed value may be based on the clearing~~
10 ~~price of energy at the time of day that the electricity is made~~
11 ~~available to the grid. The independent organization identified in~~
12 ~~Section 39.151 shall develop procedures so that the amount of~~
13 ~~electricity purchased from a district under this section is~~
14 ~~accounted for in settling the total load served by the provider that~~
15 ~~serves the district's load. A district requesting net metering~~
16 ~~services for purposes of this section must have metering devices~~
17 ~~capable of providing measurements consistent with the independent~~
18 ~~organization's settlement requirements.]~~ In an area of this state

19 in which customer choice has been introduced a customer may sell to
20 the retail electric provider any surplus electricity produced from
21 its qualifying distributed solar generation facility that is
22 delivered to the grid, at a price that reflects the price in the
23 wholesale market at the date and time the electricity is delivered
24 or at the retail price of electricity delivered to the customer.

25 ~~(d) [A transmission and distribution utility shall make~~
26 ~~available to an independent school district for purposes of this~~
27 ~~section metering required for services provided under this section,~~

1 ~~including separate meters that measure the load and generator~~
2 ~~output or a single meter capable of measuring separately in-flow~~
3 ~~and out-flow at the point of common coupling meter point. The] A
4 customer may sell energy to an electric utility or a retail provider
5 at a rate that varies by date and time of day only if the customer
6 elects to be equipped with an advanced meter capable of measuring
7 and recording energy deliveries by date and time or if an
8 independent organization has developed profiles for production of
9 electricity from solar generation. A [district] customer electing
10 to be equipped with an advanced meter must pay the differential cost
11 of the metering unless the advanced meters are provided at no
12 additional cost. Except as provided by this section, Section
13 39.107 applies to metering under this section.~~

14 (e) A municipally owned utility or electric cooperative
15 shall consider and complete the determinations regarding net
16 metering service as provided by the federal Public Utility
17 Regulatory Policies Act of 1978 (16 U.S.C. Section 2601 et seq., as
18 amended by the federal Energy Policy Act of 2005 (Pub. L. No.
19 109-58)) after proceedings conducted in accordance with that law.
20 A municipally owned utility or electric cooperative shall report
21 the determinations made under this subsection to the State Energy
22 Conservation Office and include in that report information
23 regarding metering electricity generated by solar panels on public
24 school building rooftops.

25 (f) This section applies to all electric utilities and
26 retail electric providers, notwithstanding any provision of
27 subchapter I or J of this chapter or any provision of section 39.916

1 that is in conflict with this section.

2 (g) The commission may adopt rules to implement this
3 section.

4 (h) In this section, "qualifying distributed solar
5 generation facility" means a facility for the generation of
6 electricity using energy derived from the sun that is installed on
7 the customer's side of the meter and, in the case of such a facility
8 that is not owned or operated by an independent school district, has
9 a capacity of not more than 2,000 kilowatts.

10 SECTION 2. This Act is effective September 1, 2009.