

By: Crownover

H.B. No. 2288

A BILL TO BE ENTITLED

AN ACT

relating to the classification of owners of certain distributed renewable generation.

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

SECTION 1. Section 39.002, Utilities Code, is amended to read as follows:

Sec. 39.002. APPLICABILITY. This chapter, other than Sections 39.155, 39.157(e), 39.203, 39.903, 39.904, 39.9051, 39.9052, ~~[and]~~ 39.914(e), and 39.917, does not apply to a municipally owned utility or an electric cooperative. Sections 39.157(e), 39.203, and 39.904, however, apply only to a municipally owned utility or an electric cooperative that is offering customer choice. If there is a conflict between the specific provisions of this chapter and any other provisions of this title, except for Chapters 40 and 41, the provisions of this chapter control.

SECTION 2. Section 39.916(a)(2), Utilities Code, is amended to read as follows:

(2) "Distributed renewable generation owner" means:

(A) the owner of distributed renewable generation; or

(B) a retail electric customer who contracts with another person to finance, install, or maintain distributed renewable generation on the customer's side of the meter, regardless of whether the customer takes ownership of the installed

1 distributed renewable generation.

2 SECTION 3. Subchapter Z, Chapter 39, Utilities Code, is
3 amended by adding Section 39.917 to read as follows:

4 Sec. 39.917. CLASSIFICATION OF OWNERS OF CERTAIN
5 DISTRIBUTED RENEWABLE GENERATION. (a) In this section,
6 "distributed renewable generation" means electric generation
7 provided by a renewable energy technology, as defined by Section
8 39.904, that is installed on a retail electric customer's side of
9 the meter.

10 (b) The commission may not consider a retail electric
11 customer to be a power generation company based on the customer's
12 ownership of distributed renewable generation or the customer's
13 contract with another person to finance, install, or maintain
14 distributed renewable generation on the customer's side of the
15 meter.

16 (c) The commission may not consider a person to be an
17 electric utility, a power generation company, or a retail electric
18 provider based on the person's contract with a retail electric
19 customer to finance, install, or maintain distributed renewable
20 generation on the customer's side of the meter, regardless of the
21 person's ownership of the generation facilities.

22 SECTION 4. This Act takes effect September 1, 2011.