

By: Lucio

S.B. No. 94

A BILL TO BE ENTITLED

AN ACT

relating to the sale of electric energy produced by distributed renewable generation owners.

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

SECTION 1. Section 31.002(6), Utilities Code, is amended to read as follows:

(6) "Electric utility" means a person or river authority that owns or operates for compensation in this state equipment or facilities to produce, generate, transmit, distribute, sell, or furnish electricity in this state. The term includes a lessee, trustee, or receiver of an electric utility and a recreational vehicle park owner who does not comply with Subchapter C, Chapter 184, with regard to the metered sale of electricity at the recreational vehicle park. The term does not include:

(A) a municipal corporation;

(B) a qualifying facility;

(C) a power generation company;

(D) an exempt wholesale generator;

(E) a power marketer;

(F) a corporation described by Section 32.053 to the extent the corporation sells electricity exclusively at wholesale and not to the ultimate consumer;

(G) an electric cooperative;

(H) a retail electric provider;

1 (I) this state or an agency of this state; or  
2 (J) a person not otherwise an electric utility  
3 who:

4 (i) furnishes an electric service or  
5 commodity only to itself, its employees, or its tenants as an  
6 incident of employment or tenancy, if that service or commodity is  
7 not resold to or used by others;

8 (ii) owns or operates in this state  
9 equipment or facilities to produce, generate, transmit,  
10 distribute, sell, or furnish electric energy to an electric  
11 utility, if the equipment or facilities are used primarily to  
12 produce and generate electric energy for consumption by that  
13 person; ~~or~~

14 (iii) owns or operates in this state a  
15 recreational vehicle park that provides metered electric service in  
16 accordance with Subchapter C, Chapter 184; or

17 (iv) owns distributed renewable energy  
18 interconnected on the customer's side of the retail electric meter.

19 SECTION 2. Section 31.002(10), Utilities Code, is amended  
20 to read as follows:

21 (10) "Power generation company" means a person that:

22 (A) generates electricity that is intended to be  
23 sold at wholesale;

24 (B) does not own a transmission or distribution  
25 facility in this state other than an essential interconnecting  
26 facility, a facility not dedicated to public use, or a facility  
27 otherwise excluded from the definition of "electric utility" under

1 this section; and

2 (C) does not have a certificated service area,  
3 although its affiliated electric utility or transmission and  
4 distribution utility may have a certificated service area.

5 (D) The term does not include owners of  
6 distributed renewable generation interconnected on the customer's  
7 side of the retail electric meter that is expected at the time of  
8 installation to produce less energy annually than is consumed by  
9 the retail electric customer on an annual basis.

10 SECTION 3. Section 31.002(17), Utilities Code, is amended  
11 to read as follows:

12 (17) "Retail electric provider" means a person that  
13 sells electric energy to retail customers in this state. A retail  
14 electric provider may not own or operate generation assets. The  
15 term does not include:

16 (A) Owners of distributed renewable generation  
17 interconnected on the retail customer's side of the retail electric  
18 meter and expected at the time of installation to generate less  
19 energy than is consumed by the retail customer on an annual basis.

20 SECTION 4. Section 39.916, Utilities Code, is amended by  
21 adding Subsection (k) to read as follows:

22 (k) The commission by rule shall require a retail electric  
23 provider that purchases surplus electricity produced by  
24 distributed renewable generation to include on each bill of a  
25 customer who is a distributed renewable generation owner line items  
26 that inform the customer of:

27 (1) the capacity of the owner's distributed renewable

1 generation system;

2 (2) the amount of surplus electricity produced by the  
3 customer's distributed renewable generation system purchased by  
4 the retail electric provider, in terms of kilowatt hours; and

5 (3) the average price the retail electric utility paid  
6 for each kilowatt hour of the surplus electricity produced by the  
7 customer's distributed renewable generation system.

8 SECTION 5. Subchapter Z, Chapter 39, Utilities Code, is  
9 amended by adding Sections 39.926 to read as follows:

10 Sec. 39.926. INFORMATION ON INTERNET REGARDING PURCHASE OF  
11 SURPLUS ELECTRICITY PRODUCED BY DISTRIBUTED RENEWABLE GENERATION.

12 (a) On the Internet website found at  
13 <http://www.powertochoose.org>, the commission shall provide for  
14 access to easily comparable information regarding retail electric  
15 providers' offers to distributed renewable generation owners for  
16 their surplus electricity, including information regarding  
17 contract terms and whether the retail electric provider makes no  
18 offer for surplus electricity, for each retail electric provider  
19 using that website.

20 (b) On the Internet website found at  
21 <http://www.powertochoose.org>, the commission shall provide for  
22 access to easily comparable information regarding offers of  
23 renewable energy credit marketers to distributed renewable  
24 generation owners, for each renewable energy credit marketers using  
25 that website.

26 (c) The commission by rule shall require transmission and  
27 distribution utilities and retail electric providers to provide on

1 publicly accessible Internet websites information on purchase  
2 price offers per kilowatt hour for surplus electricity produced by  
3 distributed renewable generation and information instructing  
4 customers with distributed renewable generation on how to request  
5 and obtain the purchase rates offered.

6       SECTION 6. This Act takes effect September 1, 2011.