

1-1 By: Hegar S.B. No. 1133
1-2 (In the Senate - Filed March 3, 2011; March 16, 2011, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 March 24, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; March 24, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1133 By: Estes

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a report by the Public Utility Commission of Texas on
1-11 the ability of electric generators to respond to abnormal weather
1-12 conditions.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter A, Chapter 186, Utilities Code, is
1-15 amended by adding Section 186.007 to read as follows:

1-16 Sec. 186.007. WEATHER EMERGENCY PREPAREDNESS REPORT.

1-17 (a) The Public Utility Commission of Texas, along with the
1-18 Electric Reliability Council of Texas, shall analyze emergency
1-19 operations plans developed by power generation companies and
1-20 wholesale electric generators within the Electric Reliability
1-21 Council of Texas and prepare a weather emergency preparedness
1-22 report on power generation companies' and wholesale electric
1-23 generators' preparedness to provide continuous electric utility
1-24 service in the event of a weather-related forced interruption. In
1-25 preparing the report, the commission shall:

1-26 (1) review the emergency operations plans currently on
1-27 file with the commission;

1-28 (2) analyze and determine whether the plans are
1-29 adequate to ensure the ability of the electric grid to withstand
1-30 abnormal weather events in the upcoming year;

1-31 (3) consider the anticipated weather patterns for the
1-32 upcoming year as forecasted by the National Weather Service or any
1-33 similar state or national agency; and

1-34 (4) make recommendations on improving emergency
1-35 operations plans and procedures in order to ensure the continuity
1-36 of electric utility service.

1-37 (b) The commission may require a power generation company or
1-38 wholesale electric generator to file an updated emergency
1-39 operations plan if it finds that an emergency operations plan on
1-40 file does not contain adequate information to determine whether the
1-41 company or generator can ensure the continuity of electric utility
1-42 service in the event of a weather-related forced interruption.

1-43 (c) The commission may adopt rules relating to the
1-44 implementation of the report described by Subsection (a) and any
1-45 other rules necessary to accomplish the purposes of the report.

1-46 (d) The commission shall submit the report described by
1-47 Subsection (a) to the lieutenant governor, the speaker of the house
1-48 of representatives, and the members of the legislature not later
1-49 than September 30, 2012.

1-50 (e) The commission may submit subsequent weather emergency
1-51 preparedness reports if the commission finds that significant
1-52 changes to weatherization techniques have occurred or are necessary
1-53 to protect consumers or vital services, or if there have been
1-54 changes to statutes or rules relating to weatherization
1-55 requirements. A report under this subsection must be submitted not
1-56 later than:

1-57 (1) March 1 for a summer weather emergency
1-58 preparedness report; and

1-59 (2) September 1 for a winter weather emergency
1-60 preparedness report.

1-61 (f) The commission may require a power generation company or
1-62 wholesale electric generator that experiences repeated or major
1-63 weather-related forced interruptions of electric utility service

2-1 to obtain a third-party assessment of the company's or generator's
2-2 weatherization plans, procedures, and operations and to implement
2-3 any recommendation the third party makes.

2-4 (g) Notwithstanding any other provision of state law, the
2-5 emergency operations plans of power generation companies and
2-6 wholesale electric generators considered in the publication of the
2-7 report described by Subsection (a) and any subsequent plans
2-8 submitted under Subsection (e) are not confidential or otherwise
2-9 exempt from disclosure under Chapter 552, Government Code.

2-10 SECTION 2. This Act takes effect immediately if it receives
2-11 a vote of two-thirds of all the members elected to each house, as
2-12 provided by Section 39, Article III, Texas Constitution. If this
2-13 Act does not receive the vote necessary for immediate effect, this
2-14 Act takes effect September 1, 2011.

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