By: Huberty, Menendez (Senate Sponsor - Williams) H.B. No. 2049

(In the Senate - Received from the House May 6, 2013; May 7, 2013, read first time and referred to Committee on Business and Commerce; May 15, 2013, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; May 15, 2013, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	Absent	PNV
Carona	X			
Taylor	X			
Eltife	X			
Estes	X			
Hancock	X			
Lucio	X			
Van de Putte	X			
Watson	X			
Whitmire	X			

COMMITTEE SUBSTITUTE FOR H.B. No. 2049 By: Eltife

A BILL TO BE ENTITLED
AN ACT

relating to a qualifying cogeneration facility's ability to sell electric energy to multiple purchasers.

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

SECTION 1. Section 31.002(13), Utilities Code, is amended to read as follows:

(13) "Qualifying cogenerator" and "qualifying small power producer" have the meanings assigned those terms by 16 U.S.C. Sections 796(18)(C) and 796(17)(D). A qualifying cogenerator that provides electricity to a [~~the~~] purchaser of the cogenerator's thermal output is not for that reason considered to be a retail electric provider or a power generation company.

SECTION 2. Subchapter B, Chapter 37, Utilities Code, is amended by adding Section 37.0521 to read as follows:

Sec. 37.0521. EXCEPTION FOR RETAIL SALES BY CERTAIN QUALIFYING COGENERATORS. (a) Notwithstanding Section 37.001(3), a qualifying cogenerator may sell electric energy at retail to more than one purchaser of the cogenerator's thermal output.

(b) A qualifying cogenerator that sells electric energy at retail to more than one purchaser, if not otherwise subject to regulation as an electric utility, is not as a result of the sale subject to regulation as:

(1) a retail electric provider or power generation company; or

(2) a retail electric utility under Chapter 37.

(c) This section does not apply to sales in an area:

(1) in which customer choice has not been adopted and where a municipally owned utility or an electric cooperative is certificated to provide retail electric utility service; or

(2) that is served by an electric utility that operates solely outside of ERCOT.

SECTION 3. This Act takes effect September 1, 2013.

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