

BILL ANALYSIS

C.S.H.B. 4150
By: Paddie
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A recent tragedy at Lake O' the Pines in which three Boy Scouts died after coming in contact with a live power line has highlighted the need for the state to ensure that utility providers are operating in a safe and effective manner. C.S.H.B. 4150 seeks to provide certain safety and inspection reporting requirements for each electric utility, municipally owned utility, and electric cooperative owning or operating transmission or distribution assets and requiring the construction of any transmission or distribution line over certain lakes to meet established minimum clearance requirements.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4150 amends the Utilities Code to require an electric utility, municipally owned utility, or electric cooperative to meet the minimum clearance requirements specified in Rule 232 of the National Electrical Safety Code Standard ANSI (c)(2) in the construction of any transmission or distribution line over certain lakes in Texas, as specified by the bill. The bill requires any electric utility, municipally owned utility, or electric cooperative that owns a transmission or distribution line over any such lake that is not in compliance with those clearance standards on the bill's effective date to bring the line into compliance not later than December 31, 2021. Any line over any such lake that must be rebuilt to ensure compliance must also be constructed in accordance with the applicable clearance standards in effect on the bill's effective date.

C.S.H.B. 4150 requires each electric utility, municipally owned utility, and electric cooperative that owns or operates transmission or distribution assets to submit to the Public Utility Commission of Texas (PUC) a report that includes summary descriptions of certain training programs provided by the electric utility, municipally owned utility, or electric cooperative to its employees and contractors. The bill requires the electric utility, municipally owned utility, or electric cooperative to submit an updated report not later than the 30th day after the date the electric utility, municipally owned utility, or electric cooperative finalizes a change to a program included in the report.

C.S.H.B. 4150 requires each electric utility that owns or operates overhead transmission or distribution facilities greater than one kilovolt to submit to the PUC, not later than May 1 of each year beginning in 2020, a report on the facilities for the preceding calendar year that includes certain information related to identified occurrences of noncompliance with applicable

inspection criteria and identified occurrences of noncompliance with any agreement with the U.S. Army Corps of Engineers.

C.S.H.B. 4150 requires each municipally owned utility or electric cooperative that owns or operates transmission or distribution assets to submit to the PUC, not later than May 1 of each year beginning in 2020, a report for the preceding 12-month period ending on March 31 that includes certain information related to system or asset inspections. The bill requires each electric utility that owns or operates overhead transmission facilities to also submit to the PUC, not later than May 1 every five years beginning in 2020, a report for the preceding five-year period ending on March 31 that includes that same inspection information.

C.S.H.B. 4150 requires each electric utility, municipally owned utility, or electric cooperative that owns or operates transmission or distribution assets to submit to the PUC, not later than May 1 of each year beginning in 2020, a report for the preceding 12-month period ending on March 31 that includes:

- the number of incidents reported by employees or the public relating to noncompliance with the National Electric Safety Code;
- statements relating to whether the utility or electric cooperative was aware on the last day of the reporting period:
 - that any portion of the applicable transmission or distribution system was in noncompliance with the National Electric Safety Code;
 - of any violations of easement agreements on the basis of power line height requirements;
- the number of fatalities or injuries of individuals other than employees resulting from transmission or distribution assets; and
- a description of corrective actions taken or planned to prevent the reoccurrence of such fatalities or injuries.

Incidents, violations, fatalities, or injuries attributable to a natural disaster or weather event are not required to be included in the report.

C.S.H.B. 4150 requires the PUC, not later than September 1 of each year, to make the reports received under the bill's provisions publicly available on its website. Reports made on incidents or violations are not admissible in a civil action, but the PUC may otherwise take enforcement actions under its authority.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4150 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision requiring an electric utility, municipally owned utility, or electric cooperative to meet certain minimum clearance requirements in the construction of any transmission or distribution line over certain lakes. The substitute includes a procedural provision providing for existing lines over those lakes to be brought into compliance with the clearance requirements if not already compliant.

The substitute specifies the entities that are required to submit a report to the PUC on certain training programs as each electric utility, municipally owned utility, and electric cooperative that

owns or operates transmission or distribution assets.

The substitute provides for the submission of additional reports for certain utilities and electric cooperatives that include information regarding inspections, compliance with certain state and national standards, and fatalities or injuries resulting from transmission or distribution assets.

The substitute includes an exception to its reporting requirements for incidents, violations, fatalities, or injuries attributable to a natural disaster or weather event.

The substitute requires the PUC to make the reports received under the bill's provisions publicly available on its website.

The substitute includes a provision establishing that reports made on incidents or violations in reports made by utilities and electric cooperatives are not admissible in a civil action and authorizing the PUC to take enforcement actions under its authority.