By: Hancock  

S.B. No. 1941

(In the Senate - Filed March 7, 2019; March 19, 2019, read first time and referred to Committee on Business & Commerce; April 9, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; April 9, 2019, sent to printer.)

COMMITTEE VOTE

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<th>Yea</th>
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<th>Absent</th>
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<td>Hancock</td>
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<td>Nichols</td>
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COMMITTEE SUBSTITUTE FOR S.B. No. 1941

By: Hancock

A BILL TO BE ENTITLED

AN ACT

relating to use of electric energy storage facilities in the ERCOT power region.

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

SECTION 1. Section 35.151, Utilities Code, is amended to read as follows:

Sec. 35.151. ELECTRIC ENERGY STORAGE. This subchapter applies only to the ownership or operation of electric energy storage equipment or facilities in the ERCOT power region that are intended to:

(1) provide energy or ancillary services at wholesale, including electric energy storage equipment or facilities listed on a power generation company's registration with the commission or, for an exempt wholesale generator, on the generator’s registration with the Federal Energy Regulatory Commission; or

(2) provide reliable delivery of electric energy to retail customers.

SECTION 2. Subchapter E, Chapter 35, Utilities Code, is amended by adding Section 35.153 to read as follows:

Sec. 35.153. CONTRACTS FOR ELECTRIC ENERGY STORAGE FOR RELIABILITY SERVICES. (a) A transmission and distribution utility, with the approval of the commission, may contract with the owner or operator of an electric energy storage facility to provide electric energy from an electric energy storage facility to ensure reliable service to retail customers.

(b) The commission may not authorize ownership of an electric energy storage facility by a transmission and distribution utility.

(c) Before entering into a contract under Subsection (a), the transmission and distribution utility must issue a request for proposals for use of an electric energy storage facility to meet the utility's reliability needs.

(d) A transmission and distribution utility may enter into a contract under Subsection (a) only if use of an electric energy storage facility is more cost-effective than construction or modification of traditional distribution facilities.

(e) A transmission and distribution utility may not enter into a contract under Subsection (a) that reserves an amount of capacity exceeding the amount of capacity required to ensure reliable service to the utility’s retail customers.

(f) An owner or operator of an electric energy storage facility must notify the commission in writing of an intent to cease use of a facility designated by the commission.

(g) A transmission and distribution utility may own an electric energy storage facility.
(a) An owner or operator of an electric energy storage facility subject to a contract under Subsection (a) may sell electric energy or ancillary services through use of the facility only to the extent that the owner or operator reserves capacity as required by the contract.

(g) An owner or operator of an electric energy storage facility subject to a contract under Subsection (a) may not discharge the facility for reliability purposes unless directed by the transmission and distribution utility.

(h) A contract under Subsection (a) must require an owner or operator of an electric energy storage facility to reimburse a transportation and distribution utility for the cost of administrative penalties assessed against the utility for a violation caused by the facility’s failure to meet the requirements of the agreement.

(i) In establishing the rates of a transmission and distribution utility, a regulatory authority shall review a contract between the utility and an owner or operator of an electric energy storage facility under Subsection (a). The utility has the burden of proof to establish that the costs of the contract are reasonable and necessary. The regulatory authority may authorize a transmission and distribution utility to earn a reasonable return on the present value of future payments required under the contract.

(j) The total amount of electric energy storage capacity reserved by contracts under Subsection (a) may not exceed 40 megawatts. The commission shall by rule establish the maximum amount of electric energy storage capacity allotted to each transmission and distribution utility.

(k) The commission shall adopt rules as necessary to implement this section and establish criteria for approving contracts under Subsection (a).

SECTION 3. The Public Utility Commission of Texas shall adopt rules required by Section 35.153, Utilities Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2019.

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C.S.S.B. No. 1941