87S10696 CXP-F

By:  Patterson H.B. No. 218

A BILL TO BE ENTITLED

AN ACT

relating to electricity pricing rules and operating procedures that eliminate or compensate for market distortion caused by certain federal tax credits.

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

SECTION 1.  Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.166 to read as follows:

Sec. 39.166.  MARKET DISTORTION RESPONSE. (a) The commission and the ERCOT independent system operator shall adopt rules, operating procedures, and protocols to eliminate or compensate for any distortion in electricity pricing in the ERCOT power region caused by a federal tax credit provided under 26 U.S.C. Section 45.

(b)  Rules, operating procedures, and protocols adopted under this section must ensure that costs imposed on the system by the sale of electricity that is eligible for a federal tax credit provided under 26 U.S.C. Section 45, including costs of maintaining sufficient capacity to serve load at the summer peak demand caused by the loss of new investment from below-market prices, are paid by the parties that impose the costs.

(c)  In conjunction with adopting rules, operating procedures, and protocols under this section, the commission and the ERCOT independent system operator shall eliminate any rules, operating procedures, or protocols that attempt to adjust electricity prices to reflect the value of reserves at different reserve levels based on the probability of reserves falling below the minimum contingency level and the value of lost load.

SECTION 2.  This Act takes effect on the 91st day after the last day of the legislative session.