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FLOOR AMENDMENT NO._____ BY: Paddie

Amend C.S.S.B. No. 3 (house committee printing) as follows:

(1) On page 5, strike lines 20 through 22 and substitute the following:

(b) This section applies only to a gas supply chain facility that is:

(1) included on the electricity supply chain map created under Section 38.203, Utilities Code; and

(2) designated as critical by the commission in the manner provided by Section 81.073.

(2) On page 6, line 11, between "repeated" and "or", insert "weather-related".

(3) On page 7, line 26, strike "Subtitle B" and substitute "Section 35.0021 or 38.074".

(4) On page 16, lines 15 through 17, strike "during extreme weather where the independent organization certified under Section 39.151 for the ERCOT power region has declared an emergency" and substitute "where the independent organization certified under Section 39.151 for the ERCOT power region has declared a Level 2 Emergency or a higher level of emergency or has otherwise directed the transmission and distribution utility to shed load".

(5) Strike page 18, line 27, through page 19, line 8.

(6) On page 19, line 9, strike "(c)" and substitute "(b)".

(7) On page 22, line 2, between "is" and "subject", insert "not".

(8) On page 24, line 8, between "(c),"" and "a retail", insert "an aggregator, a broker, or".

(9) On page 24, line 11, strike "A" and substitute "An aggregator, a broker, or a".

(10) On page 24, line 20, after the semicolon, add "and".

(11) On page 24, line 21, between "the" and "retail", insert "aggregator, broker, or".

(12) On page 24, line 23, strike the underlined semicolon and substitute an underlined period.

(13) On page 24, strike line 24 and substitute the following:

(d) A retail electric provider may maintain a residential or small commercial customer's enrollment in a wholesale indexed product only if:

(1) the retail electric provider provides to each

(14) On page 24, line 27, strike "(5)" and substitute "(2)".

(15) On page 25, line 5, strike "(d)" and substitute "(e)".

(16) On page 25, between lines 7 and 8, insert the following:

(f) An aggregator, a broker, or a retail electric provider may enroll a customer other than a residential and small commercial customer in a wholesale indexed product only if the aggregator, broker, or provider obtains before the customer's enrollment an acknowledgment signed by the customer that the customer accepts the potential price risks associated with a wholesale indexed product.

(g) An acknowledgment required by Subsection (f) must include the following statement, in clear, boldfaced text:

"I understand that the volatility and fluctuation of wholesale energy pricing may cause my energy bill to be multiple times higher in a month in which wholesale energy prices are high. I understand that I will be responsible for charges caused by fluctuations in wholesale energy prices."

(h) An acknowledgment required by Subsection (f) may be included as an addendum to a contract.

(i) A retail electric provider that provides a wholesale

indexed product to a customer other than a residential and small commercial customer must keep on file the acknowledgment required by Subsection (f) for each customer while the customer is enrolled with the retail electric provider in the wholesale indexed product.

(17) Strike page 26, line 19 through page 27, line 8 and renumber subsequent SECTIONS of the bill accordingly.

(18) On page 28, strike lines 16 through 19 and substitute the following:

gas pipeline facility:

(A) directly serves a natural gas electric generation facility operating solely to provide power to the electric grid for the ERCOT power region or for the ERCOT power region and an adjacent power region; and

(B) is included on the electricity supply chain map created under Section 38.203.

(19) On page 29, line 7, between "operator" and "that", insert "described by Subsection (a)(3)".

(20) On page 37, line 23, strike "electric" and substitute "electricity".

(21) On page 37, line 25, strike "electric" and substitute "electricity".

(22) On page 42, line 23, between "The" and "commission", insert "utility".

(23) On page 45, strike lines 21 through 25 and substitute the following appropriately numbered SECTION:

SECTION ____. (a) If H.B. 16, 87th Legislature, Regular Session, 2021, becomes law, Section 39.110, Utilities Code, as added by that Act, is repealed, effective September 1, 2021. This subsection takes effect September 1, 2021.

(b) Except as provided by Subsection (a) of this section, this Act takes effect immediately if it receives a vote of

two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

(24) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____. The changes in law made by Section 39.110, Utilities Code, as added by this Act, apply only to an enrollment or re-enrollment of a customer in a retail electric product that is executed on or after the effective date of this Act. An enrollment or re-enrollment of a customer in a retail electric product that is executed before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION ____. It is the intent of the legislature that this Act not restrict or amend the sole jurisdiction of the Railroad Commission of Texas to establish rules or requirements relating to curtailment orders for facilities and entities in the commission's jurisdiction under the Natural Resources Code or the Utilities Code.