

By: Vasut

H.B. No. 2786

A BILL TO BE ENTITLED

AN ACT

relating to load shedding participation for certain customers during a rolling blackout.

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

SECTION 1. Subchapter D, Chapter 38, Utilities Code, is amended by adding Section 38.074 to read as follows:

Sec. 38.074. EXCLUSION OF CRITICAL CUSTOMERS FROM ROLLING BLACKOUTS. (a) In this section:

(1) "Assisted living facility" has the meaning assigned by Section 247.002, Health and Safety Code.

(2) "Critical customer" means a customer for whom electric service is considered crucial for the protection or maintenance of public safety, including a:

(A) hospital facility licensed under Chapter 241, Health and Safety Code;

(B) nursing facility, assisted living facility, or facility that provides hospice services;

(C) police or fire station; or

(D) critical water and wastewater facility.

(3) "Critical industrial or residential customer" means:

(A) an industrial customer for whom an interruption or suspension of electric service would create a dangerous or life-threatening condition on the customer's

1 premises; or

2 (B) a residential customer who has a person
3 permanently residing in the customer's home who has been diagnosed
4 by a physician as:

5 (i) having a serious medical condition that
6 requires an electric-powered medical device or electric heating or
7 cooling to prevent the impairment of a major life function through a
8 significant deterioration or exacerbation of the person's medical
9 condition; or

10 (ii) being dependent upon an
11 electric-powered medical device to sustain life.

12 (4) "Hospice services" has the meaning assigned by
13 Section 142.001, Health and Safety Code.

14 (5) "Nursing facility" has the meaning assigned by
15 Section 242.301, Health and Safety Code.

16 (b) Except as provided by Subsections (c) and (d), the
17 commission by rule shall require each electric utility, municipally
18 owned utility, and electric cooperative that is subject to a
19 rolling blackout initiated by an independent organization
20 certified under Section 39.151 to:

21 (1) exclude any parts of the utility's or
22 cooperative's distribution system that provide power to a critical
23 customer from participation in the utility's or cooperative's
24 attempt to shed load; and

25 (2) rotate curtailment of all other parts of the
26 distribution system so that no customer is subject to an outage of
27 more than:

1 (A) 24 hours; or

2 (B) 12 hours during an extreme weather emergency,
3 as defined by Section 39.101.

4 (c) The commission may allow an electric utility,
5 municipally owned utility, or electric cooperative to maintain an
6 outage for more than 24 hours for a part of the distribution system
7 if necessary to supply critical customers.

8 (d) The commission may require that an electric utility,
9 municipally owned utility, or electric cooperative exclude a
10 critical industrial or residential customer from load shedding
11 under Subsection (b)(1).

12 SECTION 2. This Act takes effect September 1, 2021.