

By: Vasut

H.B. No. 3090

A BILL TO BE ENTITLED

AN ACT

relating to the required procurement of an alternative power supply for certain power generation facilities.

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

SECTION 1. Subchapter A, Chapter 35, Utilities Code, is amended by adding Section 35.0021 to read as follows:

Sec. 35.0021. ALTERNATIVE POWER SUPPLY FOR INTERMITTENT POWER GENERATION FACILITIES. (a) In this section, "intermittent power generation facility" means a power generation facility with a power output that, in the course of the facility's ordinary and proper operation, cannot be predicted, controlled, or varied at will. The term includes a solar or wind generation facility.

(b) An intermittent power generation facility, the construction of which began after September 1, 2021, may not operate in this state unless the owner of the facility certifies to the commission that, in the event of a power output disruption at the facility:

(1) the owner can supply or has a contract that guarantees the supply of not less than 50 percent of the facility's average output over a 48-hour period; and

(2) the owner's additional or contracted power supply comes from:

(A) a power generation facility with a power output that, in the course of the facility's ordinary and proper

1 operation, can be predicted, controlled, or varied at will,
2 including a hydroelectric, biomass, natural gas, coal, or nuclear
3 generation facility; or

4 (B) an electric energy storage facility.

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