

By: Rosenthal

H.B. No. 3182

A BILL TO BE ENTITLED

AN ACT

relating to the weather emergency preparedness of gas pipeline facilities and facilities for providing electric service.

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. WEATHER EMERGENCY PREPAREDNESS. (a) The commission by rule shall require each provider of generation in the ERCOT power region to:

(1) prepare, submit to the commission, and update as necessary an emergency operations plan for providing adequate electric generation service during a weather emergency; and

(2) implement measures to prepare generation facilities to provide adequate electric generation service during a weather emergency.

(b) An emergency operations plan is public information except for the portions of the plan considered confidential under Chapter 552, Government Code, or other state or federal law. If portions of a plan are designated as confidential, the plan shall be provided to the commission in a redacted form for public inspection with the confidential portions removed.

(c) Each provider of generation shall submit the provider's plan in its entirety to the independent organization certified under Section 39.151.

1 SECTION 2. Subchapter D, Chapter 38, Utilities Code, is
2 amended by adding Section 38.074 to read as follows:

3 Sec. 38.074. WEATHER EMERGENCY PREPAREDNESS. (a) The
4 commission by rule shall require each electric cooperative,
5 municipally owned utility, and transmission and distribution
6 utility providing transmission or distribution service in the ERCOT
7 power region to:

8 (1) prepare, submit to the commission, and update as
9 necessary an emergency operations plan for maintaining service
10 quality and reliability during a weather emergency; and

11 (2) implement measures to prepare facilities to
12 maintain service quality and reliability during a weather
13 emergency.

14 (b) An emergency operations plan is public information
15 except for the portions of the plan considered confidential under
16 Chapter 552, Government Code, or other state or federal law. If
17 portions of a plan are designated as confidential, the plan shall be
18 provided to the commission in a redacted form for public inspection
19 with the confidential portions removed.

20 (c) Each electric cooperative, municipally owned utility,
21 and transmission and distribution utility shall provide the
22 cooperative's or utility's plan in its entirety to the independent
23 organization certified under Section 39.151.

24 SECTION 3. Section 121.2015(a), Utilities Code, is amended
25 to read as follows:

26 (a) The railroad commission shall adopt rules regarding:

27 (1) public education and awareness relating to gas

1 pipeline facilities; ~~and~~

2 (2) community liaison for responding to an emergency
3 relating to a gas pipeline facility; and

4 (3) measures gas pipeline facility operators must
5 implement to prepare gas pipeline facilities to maintain service
6 quality and reliability during a weather emergency.

7 SECTION 4. Section 186.007, Utilities Code, is transferred
8 to Subchapter A, Chapter 31, Utilities Code, redesignated as
9 Section 31.006, Utilities Code, and amended to read as follows:

10 Sec. 31.006 [~~186.007~~]. WEATHER EMERGENCY PREPAREDNESS
11 REPORT. (a) [~~In this section, "commission" means the Public~~
12 ~~Utility Commission of Texas.~~

13 [~~(a-1)~~] The commission shall analyze emergency operations
14 plans developed under Sections 35.0021 and 38.074 [~~by electric~~
15 ~~utilities as defined by Section 31.002, power generation companies,~~
16 ~~municipally owned utilities, and electric cooperatives that~~
17 ~~operate generation facilities in this state] and prepare an annual
18 [a] weather emergency preparedness report on power generation,
19 transmission, and distribution weatherization in this state
20 [preparedness]. In preparing the report, the commission shall:~~

21 (1) review the emergency operations plans currently on
22 file with the commission;

23 (2) analyze and determine the ability of the electric
24 grid to withstand extreme weather events in the upcoming year;

25 (3) consider the anticipated weather patterns for the
26 upcoming year as forecasted by the National Weather Service or any
27 similar state or national agency; and

1 (4) make recommendations on improving emergency
2 operations plans and procedures in order to ensure the continuity
3 of electric service.

4 (b) The commission may require an [~~electric generation~~]
5 entity subject to Section 35.0021 or 38.074 [~~this section~~] to file
6 an updated emergency operations plan if it finds that an emergency
7 operations plan on file does not contain adequate information to
8 determine whether the entity [~~electric generation entity~~] can
9 provide adequate service during a weather emergency [~~electric~~
10 ~~generation services~~].

11 (c) The commission may adopt rules relating to the
12 implementation of the report [~~described by Subsection (a-1)~~].

13 (d) The commission shall submit each [~~the~~] report
14 [~~described by Subsection (a-1)~~] to the lieutenant governor, the
15 speaker of the house of representatives, and the members of the
16 legislature [~~not later than September 30, 2012~~].

17 (e) The commission shall [~~may~~] submit supplemental
18 [~~subsequent~~] weather emergency preparedness reports to the
19 lieutenant governor, the speaker of the house of representatives,
20 and the members of the legislature if the commission finds that
21 significant changes to weatherization techniques have occurred or
22 are necessary to protect consumers or vital services, or if there
23 have been changes to statutes or rules relating to weatherization
24 requirements. A report under this subsection must be submitted not
25 later than:

26 (1) March 1 for a summer weather emergency
27 preparedness report; and

1 (2) September 1 for a winter weather emergency
2 preparedness report.

3 ~~[(f) The emergency operations plans submitted for the~~
4 ~~report described by Subsection (a-1) and any subsequent plans~~
5 ~~submitted under Subsection (c) are public information except for~~
6 ~~the portions of the plan considered confidential under Chapter 552,~~
7 ~~Government Code, or other state or federal law. If portions of a~~
8 ~~plan are designated as confidential, the plan shall be provided to~~
9 ~~the commission in a redacted form for public inspection with the~~
10 ~~confidential portions removed. An electric generation entity~~
11 ~~within the ERCOT power region shall provide the entity's plan to~~
12 ~~ERCOT in its entirety.]~~

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