

By: Menéndez

S.B. No. 2076

A BILL TO BE ENTITLED

AN ACT

relating to the prevention of and response to blackout conditions in the ERCOT power region.

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

SECTION 1. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.159 to read as follows:

Sec. 39.159. ENSURING RESERVE POWER CAPACITY. (a) The commission by rule shall develop a process for obtaining emergency reserve power generation capacity as appropriate to prevent blackout conditions caused by shortages of generated power in the ERCOT power region. The rules must provide:

(1) parameters for estimating the amount of emergency reserve power generation capacity necessary to prevent blackout conditions; and

(2) mechanisms for equitably sharing the costs of making the reserve capacity available and the costs of generated power provided to prevent blackout conditions.

(b) In accordance with rules adopted under Subsection (a), an independent organization certified under Section 39.151 for the ERCOT power region shall adopt procedures and enter contracts as necessary to ensure the availability of a defined amount of emergency reserve power generation capacity the organization may call on to prevent blackouts caused by shortages of generated power.

1       (c) Before the independent organization calls on the  
2 emergency reserve power generation capacity to prevent blackout  
3 conditions, the organization shall use all other sources of power  
4 and demand reduction available in accordance with commission rules  
5 adopted under this section.

6       SECTION 2. Subchapter 7, Chapter 39, Utilities Code, is  
7 amended by adding Section 39.9031 to read as follows:

8       Sec. 39.9031. DISASTER BILL PAYMENT ASSISTANCE. (a) The  
9 commission shall establish a program to provide bill payment  
10 assistance using state money appropriated for that purpose to  
11 retail customers of municipally owned utilities, electric  
12 cooperatives, and retail electric providers in the ERCOT power  
13 region.

14       (b) The program must:

15               (1) provide assistance only for unusually high bills  
16 for services provided after February 13, 2021, and before February  
17 19, 2021, to low-income customers;

18               (2) establish criteria for determining whether a bill  
19 is unusually high;

20               (3) allow a customer to apply for assistance to the  
21 municipally owned utility, electric cooperative, or retail  
22 electric provider that served the customer during the time period  
23 in Subdivision (1); and

24               (4) require a municipally owned utility, electric  
25 cooperative, or retail electric provider that receives an  
26 application under Subdivision (3) to:

27                       (A) submit the application to the commission; and

1                   (B) provide to the customer any assistance sent  
2 by the commission to the utility, cooperative, or provider in  
3 response to the application.

4                   (c) The commission shall consult with the counsellor to  
5 adopt appropriate criteria for designating a customer as low-income  
6 for the purposes of this section.

7                   SECTION 3. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2021.