

By: Schwertner

S.B. No. 2109

A BILL TO BE ENTITLED

AN ACT

relating to the provision of electricity service in this state.

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

SECTION 1. Section 39.101(b), Utilities Code, is amended to read as follows:

(b) A customer is entitled:

(1) to be informed about rights and opportunities in the transition to a competitive electric industry;

(2) to choose the customer's retail electric provider consistent with this chapter, to have that choice honored, and to assume that the customer's chosen provider will not be changed without the customer's informed consent;

(3) to have access to providers of energy efficiency services, to on-site distributed generation, and to providers of energy generated by renewable energy resources;

(4) to be served by a provider of last resort that offers a commission-approved standard service package;

(5) to receive sufficient information to make an informed choice of service provider;

(6) to be protected from unfair, misleading, or deceptive practices, including protection from being billed for services that were not authorized or provided; ~~and~~

(7) to have an impartial and prompt resolution of disputes with its chosen retail electric provider and transmission

1 and distribution utility;

2 (8) to participation in demand response programs  
3 through retail electric providers and demand response providers;  
4 and

5 (9) to receive notice from the retail electric  
6 provider that serves the customer:

7 (A) when the independent organization certified  
8 under Section 39.151 for the ERCOT power region issues an emergency  
9 energy alert about low operating reserves to providers of  
10 generation in the power region; or

11 (B) of imminent rolling outages and the length of  
12 time the outages are planned or expected to last.

13 SECTION 2. Subchapter 2, Chapter 39, Utilities Code, is  
14 amended by adding Section 39.918 to read as follows:

15 Sec. 39.918. RESIDENTIAL DEMAND RESPONSE PROGRAM. (a) The  
16 commission by rule shall require each retail electric provider in  
17 the ERCOT power region to create a residential demand response  
18 program to reduce the average total residential load by at least:

19 (1) one percent of peak summer and winter demand by  
20 December 31, 2022;

21 (2) two percent of peak summer and winter demand by  
22 December 31, 2023;

23 (3) three percent of peak summer and winter demand by  
24 December 31, 2024; and

25 (4) five percent of peak summer and winter demand by  
26 December 31, 2025.

27 (b) The rules must:

1           (1) ensure that demand response participation is  
2 reasonably available to residential customers;

3           (2) promote the use of smart metering technology;

4           (3) ensure that demand response programs are capable  
5 of responding to an emergency energy alert about low operating  
6 reserves issued by the independent organization certified under  
7 Section 39.151 for the ERCOT power region;

8           (4) provide opportunities for demand response  
9 providers to contract with retail electric providers to provide  
10 demand response services; and

11           (5) ensure the program does not impact the critical  
12 needs of vulnerable populations.

13           SECTION 3. Subchapter A, Chapter 186, Utilities Code, is  
14 amended by adding Section 186.008 to read as follows:

15           Sec. 186.008. TRANSMISSION OUTAGE PLAN. (a) In this  
16 section, "commission" means the Public Utility Commission of Texas.

17           (b) The commission by rule shall require all electric  
18 utilities, as defined by Section 31.002, municipally owned  
19 utilities, and electric cooperatives that own transmission and  
20 distribution assets in this state to file and implement an outage  
21 plan that includes a plan for shutting off customer access to  
22 electricity in the event of the need for rolling outages to prevent  
23 brown-outs and black-outs. The rules must:

24           (1) require the utility or cooperative to update the  
25 plan annually;

26           (2) share the plan with the independent system  
27 operator, as defined by Section 31.002, for the area in which the

1 utility or cooperative operates; and

2 (3) require the utility or cooperative to make the  
3 plan publicly available.

4 (c) The commission may require an electric utility,  
5 municipally owned utility, or electric cooperative subject to this  
6 section to file an updated transmission outage plan if the  
7 commission finds that a transmission outage plan on file does not  
8 contain adequate information.

9 SECTION 4. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2021.