

By: Hughes

S.B. No. 2142

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to correcting the prices of wholesale power and ancillary  
3 services sold in the ERCOT market during a certain period.

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

5 SECTION 1. In this Act, the term "ERCOT" has the meaning  
6 assigned by Section 31.002, Utilities Code.

7 SECTION 2. The legislature finds that:

8 (1) there is a compelling public interest in  
9 correcting the prices of wholesale power and ancillary services  
10 sold in the ERCOT market during the period beginning 11:55 p.m.,  
11 February 17, 2021, and ending 9 a.m., February 19, 2021; and

12 (2) the Public Utility Commission of Texas has all  
13 necessary authority under Section 39.151(d), Utilities Code, to  
14 order a correction of prices of wholesale power and ancillary  
15 services sold in the ERCOT market during the period described by  
16 Subdivision (1) of this section in accordance with this Act.

17 SECTION 3. (a) The Public Utility Commission of Texas  
18 shall order the independent organization certified for the ERCOT  
19 power region under Section 39.151, Utilities Code, to correct the  
20 prices of wholesale power and ancillary services sold in the ERCOT  
21 market during the period beginning 11:55 p.m., February 17, 2021,  
22 and ending 9 a.m., February 19, 2021, to reflect the prices of  
23 wholesale power and ancillary services that would have been paid in  
24 the ERCOT market during that period absent any action of the

1 independent organization or commission to raise prices.

2 (b) By the order described by Subsection (a) of this  
3 section, the Public Utility Commission of Texas shall require the  
4 independent organization to issue all orders and take all other  
5 actions necessary to correct the prices not later than March 20,  
6 2021.

7 (c) Notwithstanding any other law:

8 (1) Chapter 551, Government Code, does not apply to a  
9 meeting of the Public Utility Commission of Texas called for the  
10 purpose of discussing or issuing an order as required by Subsection  
11 (a) of this section; and

12 (2) the action of a single member of the Public Utility  
13 Commission of Texas is sufficient to issue that commission's order  
14 as required by Subsection (a) of this section if on the effective  
15 date of this Act there is a vacancy in the office of a commissioner  
16 of that commission.

17 SECTION 4. (a) Immediately on the governor's signing of  
18 this Act, the governor shall:

19 (1) file this Act with the secretary of state; and

20 (2) notify the Public Utility Commission of Texas that  
21 this Act has been signed.

22 (b) The Public Utility Commission of Texas shall issue the  
23 order required by Section 3 of this Act immediately on receiving  
24 notice under Subsection (a) of this section.

25 SECTION 5. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution.