

Amend CSHB 1500 (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 35, Utilities Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. RENEWABLE ENERGY GENERATION FACILITY PERMIT

Sec. 35.201. DEFINITIONS; APPLICABILITY. (a) In this subchapter:

(1) "Historic site" means a site under the jurisdiction of the Texas Historical Commission, including under Chapter 442, Government Code.

(2) "Permit holder" means a person who holds a permit issued under this subchapter.

(3) "Person" includes an electric cooperative and a municipally owned utility.

(4) "Renewable energy generation facility" means:

(A) a wind power facility as defined by Section 301.0001; or

(B) a solar power facility as defined by Section 302.0001.

(b) This subchapter applies to a renewable energy generation facility regardless of whether the facility is the subject of a wind power facility agreement or solar power facility agreement entered into under Chapter 301 or 302.

(c) This subchapter applies only to a renewable energy generation facility that is:

(1) a wind power facility located less than 10 miles from a historic site, a river, or a natural area, state park, or wildlife management area described by Section 11.221, Parks and Wildlife Code; or

(2) a solar power facility located:

(A) outside the corporate boundaries of a home rule municipality; and

(B) less than five miles from a historic site, a river, or a natural area, state park, or wildlife management area described by Section 11.221, Parks and Wildlife Code.

Sec. 35.202. LEGISLATIVE POLICY AND PURPOSE. The

conservation and development of all the natural resources of this state are declared to be public rights and duties. It is also declared that balancing private property rights, the need to increase electric generation, and the need to mitigate unreasonable impacts of renewable energy generation facilities on wildlife, water, and land in this state is in the public interest. In the exercise of the police power of this state, it is necessary and desirable to provide additional means so that the installation and removal of renewable energy generation facilities is placed under the authority and direction of the commission.

Sec. 35.203. PERMIT REQUIRED; APPLICATION. (a) A person may not interconnect a renewable energy generation facility with a capacity of 10 megawatts or more to a transmission facility unless:

(1) the person holds a permit to operate a renewable energy generation facility issued by the commission under this subchapter; or

(2) the commission by order approves the construction.

(b) A person may apply for a permit to operate a renewable energy generation facility by filing with the commission:

(1) a description of the location of the facility;

(2) a description of the type of facility;

(3) a copy of any information filed with the Federal Energy Regulatory Commission in connection with registration with that commission;

(4) any assumed business or professional name of the applicant filed under Chapter 71, Business & Commerce Code; and

(5) any other information required by commission rule, provided that in requiring that information the commission shall protect the competitive process in a manner that ensures the confidentiality of competitively sensitive information.

Sec. 35.204. APPROVAL OR DENIAL OF APPLICATION. (a) The commission may approve an application only if the commission finds that issuance or amendment of the permit would not violate state or federal law or rule and would not interfere with the purpose of this subchapter.

(b) A permit holder does not have a vested right in a permit.

Sec. 35.205. CONDITIONS OF PERMIT. For each permit, the

commission shall prescribe the conditions under which it is issued, including:

- (1) the boundary of the permitted facility location;
- (2) the maximum number of renewable energy generation facilities authorized by the permit; and
- (3) any monitoring and reporting requirements prescribed by the commission for the permit holder.

Sec. 35.206. RENEWABLE ENERGY GENERATION FACILITY FUND.

(a) The renewable energy generation facility fund is a dedicated account in the general revenue fund.

(b) The fund consists of:

- (1) fees collected under this subchapter;
- (2) gifts, grants, and donations; and
- (3) legislative appropriations.

(c) Money in the fund may be used only by the commission to implement this subchapter.

Sec. 35.207. FEE. (a) An annual fee is imposed on each permit holder. Fees must be deposited in the renewable energy generation facility fund.

(b) The commission by rule shall adopt a fee schedule for determining the amount of the fee to be charged.

Sec. 35.208. POWER TO REGULATE AND SUPERVISE. (a) For purposes of this subchapter, a provision of Subchapter B or E, Chapter 14, that authorizes the commission to regulate a public utility also applies to a person required to obtain a permit under this subchapter, including an electric cooperative and a municipally owned utility.

(b) The commission may adopt and enforce rules reasonably required in the exercise of its powers under this subchapter.

Sec. 35.209. ENFORCEMENT AND PENALTIES. For the purposes of enforcing this subchapter, a reference in Chapter 15 to a person includes any person required to obtain a permit under this subchapter, including an electric cooperative and a municipally owned utility.