

Amend SB 2627 (senate committee printing) in SECTION 2 of the bill as follows:

(1) In added Section 34.0103(a), Utilities Code (page 2, line 3), after the period, add "An electric energy storage facility is not eligible for a loan under this section. The commission shall publish a list of the activities that constitute maintenance or modernization for the purposes of this section.".

(2) In added Section 34.0103(c), Utilities Code (page 2, lines 8-9), strike "The commission shall evaluate an application for a loan under this section based on" and substitute "In evaluating an application for a loan under this section, the commission may consider any appropriate factor and shall consider".

(3) In added Section 34.0103(c)(5), Utilities Code (page 2, line 15), strike "and".

(4) In added Section 34.0103(c)(6), Utilities Code (page 2, line 18), strike the underlined period and substitute an underlined semicolon.

(5) In added Section 34.0103(c), Utilities Code (page 2, between lines 18 and 19), insert the following:

(7) access to resources essential for operating the facility for which the loan is requested, such as land, water, and reliable infrastructure, as applicable; and

(8) evidence of creditworthiness and ability to repay the loan on the terms established in the loan agreement, including the applicant's total assets, total liabilities, net worth, and credit ratings issued by major credit rating agencies.

(6) In added Section 34.0103(d), Utilities Code (page 2, line 21), strike "10" and substitute "100".

(7) In added Section 34.0104(b), Utilities Code (page 2, lines 55-56), strike "10 megawatts the construction of which does not begin before September" and substitute "100 megawatts and that does not meet the planning model requirements necessary to be included in the Capacity Demand and Reserves Report of the independent organization certified under Section 39.151 for the ERCOT power region before June".

(8) Strike added Section 34.0104(c), Utilities Code (page 2, line 59, through page 3, line 4), and substitute the following:

(c) The commission shall evaluate an application for a loan under this section based on:

(1) the applicant's:

(A) quality of services and management;

(B) efficiency of operations;

(C) history of electricity generation operations in this state and this country;

(D) resource operation attributes;

(E) ability to address regional and reliability needs;

(F) access to resources essential for operating the facility for which the loan is requested, such as land, water, and reliable infrastructure, as applicable; and

(G) evidence of creditworthiness and ability to repay the loan on the terms established in the loan agreement, including the applicant's total assets, total liabilities, net worth, and credit ratings issued by major credit rating agencies;

(2) the generation capacity and estimated construction costs of the facility for which the loan is requested; and

(3) any other factors the commission considers appropriate.

(9) In added Section 34.0104(d), Utilities Code (page 3, line 5), between "section" and "may not", insert "and grants provided under Section 34.0105, considered together,".

(10) In added Section 34.0104(g), Utilities Code (page 3, line 15), strike "five" and substitute "three".

(11) In the heading to added Section 34.0105, Utilities Code (page 3, line 38), between "BONUS" and the period, insert "GRANTS".

(12) Strike added Section 34.0105(c), Utilities Code (page 3, lines 50-58) and substitute the following:

(c) The commission may provide a grant under this section only for construction of a facility that:

(1) will have a generation capacity of at least 100 megawatts;

(2) does not meet the planning model requirements necessary to be included in the Capacity Demand and Reserves Report

of the independent organization certified under Section 39.151 for the ERCOT power region before June 1, 2023; and

(3) is interconnected in the ERCOT power region not later than December 31, 2026, or, if the commission determines that extenuating circumstances justify a delay in the facility's completion, before a later date as specified by the commission that must be not later than June 1, 2027.

(d) The commission shall evaluate an application for a grant under this section based on:

(1) the applicant's:

(A) quality of services and management;

(B) efficiency of operations;

(C) history of electricity generation operations in this state and this country;

(D) resource operation attributes; and

(E) ability to address regional and reliability needs;

(2) the generation capacity and estimated construction costs of the facility for which the grant is requested; and

(3) any other factors the commission considers appropriate.

(13) In added Section 34.0105, Utilities Code (page 3, line 59), strike "(d)" and substitute "(e)".

(14) In added Section 34.0105, Utilities Code (page 3, between lines 61 and 62), insert the following:

(f) The commission may not provide a grant under this section of more than \$200,000 per megawatt of capacity provided by the facility.

(g) This section expires December 1, 2028.

Sec. 34.01055. LOAN AND GRANT RESTRICTIONS. (a) If the commission has more than four pending applications for loans to be made from the fund on the date the commission awards a loan, the amount of the loan awarded may not exceed 25 percent of the fund balance on that date.

(b) The commission may not provide a loan or a grant for a facility under this chapter if the facility will be used primarily

to serve an industrial load or private use network.

(c) Each facility for which a loan or grant is provided under this chapter must participate in the ERCOT wholesale electricity market.

(d) The commission may provide:

(1) not more than five percent of the balance of the fund per biennium for loans for maintenance and modernization under Section 34.0103; and

(2) not more than 75 percent of the balance of the fund per biennium for loans for construction under Section 34.0104.

(15) In added Section 34.0106, Utilities Code (page 3, line 63), between "hold" and "the", insert "and invest".

(16) In added Section 34.0106, Utilities Code (page 4, line 1), strike the underlined period and substitute "over a full economic cycle.".

(17) In added Section 34.0109, Utilities Code (page 5, lines 56-57), strike "before the commission adopts rules under this chapter".