

BILL ANALYSIS

C.S.H.B. 4952
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State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are ever increasing threats to our electric grid security. As such, the state needs to adequately protect critical transmission substations that ensure power remains flowing through the grid. C.S.H.B. 4952 seeks to address these security needs by providing for the reporting of information on the physical security of these substations to the Texas Electricity Supply Chain Security and Mapping Committee.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4952 amends the Utilities Code to require the Public Utility Commission of Texas (PUC) to require each electric utility, electric cooperative, municipally owned utility, river authority that owns electric transmission assets, and transmission and distribution utility to provide to the chair of the Texas Electricity Supply Chain Security and Mapping Committee the following information:

- the location of any critical facility owned or operated by the utility, cooperative, or authority;
- security measures in place to protect each critical facility against physical attack; and
- contact information for the applicable utility, cooperative, or authority.

The bill authorizes the chair to share information they receive related to a physical attack or a threat of a physical attack on a critical facility with a law enforcement agency that has jurisdiction over the critical facility. The bill requires the chair to provide the Department of Public Safety (DPS) with access to the information provided and makes the information provided to the chair or to DPS confidential and exempt from disclosure under state public information law. For these purposes, the bill defines "critical facility" as a transmission substation and any associated control center the inoperability of which could result in widespread instability, uncontrolled separation, or cascading outages within an interconnection.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4952 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Both the introduced and the substitute provide for the reporting of certain information regarding the physical security of substations. However, the substitute differs from the introduced in the following ways:

- the substitute expands the entities subject to the reporting requirement to include electric utilities and certain river authorities, whereas the introduced was limited only to electric cooperatives, municipally owned utilities, and transmission and distribution utilities;
- whereas the introduced required the information to be included in an emergency operations plan filed with the PUC and required the PUC to provide DPS with access to the information, the substitute requires the information to be provided to the chair of the Texas Electricity Supply Chain Security and Mapping Committee and requires the chair to provide DPS with access to the information;
- whereas the introduced required information to be reported regarding critical substations, with no specification provided regarding which substations are classified as such, the substitute requires that information be reported regarding each "critical facility," which the substitute defines as a transmission substation and any associated control center the inoperability of which could result in widespread instability, uncontrolled separation, or cascading outages within an interconnection;
- whereas the introduced required that information about the physical security of the critical substations be reported, the substitute requires the following information to be reported:
 - the location of any critical facility owned or operated by the utility, cooperative, or authority; and
 - security measures in place to protect each critical facility against physical attack;
- whereas the introduced required that contact information for each law enforcement agency with jurisdiction over a critical substation be reported, the substitute requires instead that contact information for the applicable utility, cooperative, or authority be reported; and
- the substitute includes a provision not in the introduced authorizing the committee chair to share information related to a physical attack or a threat of a physical attack on a critical facility with the applicable law enforcement agency.

The substitute omits the provision from the introduced including the public safety director of DPS as a member of the Texas Electricity Supply Chain Security and Mapping Committee.