88R13514 CXP-F

By:  Turner H.B. No. 4647

A BILL TO BE ENTITLED

AN ACT

relating to programs to provide assistance for certain electric customers.

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

SECTION 1.  Section 39.002, Utilities Code, as amended by Chapters 908 (H.B. 4492) and 950 (S.B. 1580), Acts of the 87th Legislature, Regular Session, 2021, is reenacted and amended to read as follows:

Sec. 39.002.  APPLICABILITY. This chapter, other than Sections 39.151, 39.1516, 39.155, 39.157(e), 39.159, 39.160, 39.203, 39.9035, 39.9036, 39.904, 39.9051, 39.9052, and 39.914(e), and Subchapters M and N, does not apply to a municipally owned utility or an electric cooperative. Sections 39.157(e), 39.203, and 39.904, however, apply only to a municipally owned utility or an electric cooperative that is offering customer choice. If there is a conflict between the specific provisions of this chapter and any other provisions of this title, except for Chapters 40 and 41, the provisions of this chapter control.

SECTION 2.  Subchapter Z, Chapter 39, Utilities Code, is amended by adding Sections 39.9035 and 39.9036 to read as follows:

Sec. 39.9035.  EMERGENCY ON-SITE GENERATOR FUND. (a) In this section, "fund" means the emergency on-site generator fund.

(b)  The fund is an account in the general revenue fund. Money in the account may be appropriated only for the program described by Subsection (e) or as provided by other law.

(c)  The fund consists of:

(1)  money appropriated, credited, or transferred to the fund by the legislature;

(2)  gifts or grants contributed to the fund; and

(3)  interest earned on deposits and investments of the fund.

(d)  The commission shall administer the fund.

(e)  The commission shall establish a program to provide funding to assist entities for whom electric service is considered crucial for the protection or maintenance of public safety with procuring emergency on-site generators or comparable emergency on-site power sources for use during a power outage.

(f)  Assistance under the fund may only be used to procure an emergency on-site generator or comparable emergency on-site power source that:

(1)  has a capacity of less than 10 megawatts; and

(2)  is not operated in parallel with the transmission or distribution system.

(g)  An entity that receives assistance under the fund to procure an emergency on-site generator or comparable emergency on-site power source:

(1)  must use the equipment exclusively for power consumption by the entity at the entity's facilities; and

(2)  may not:

(A)  sell any surplus power generated by the equipment; or

(B)  participate in a load reduction program for compensation.

(h)  The sale of an emergency on-site generator or comparable emergency on-site power source to an entity eligible for assistance under the fund is a competitive energy service.

(i)  The commission shall adopt rules necessary to administer this section, including rules establishing eligibility criteria for assistance under the fund.

Sec. 39.9036.  LOW-INCOME CRITICAL CARE RESIDENTIAL CUSTOMER ASSISTANCE FUND. (a) In this section:

(1)  "Critical care residential customer" has the meaning assigned by Section 17.002.

(2)  "Eligible device" means electrically powered medical equipment that mechanically or artificially sustains life or restores or replaces a vital physical function, including a home dialysis machine or a home oxygen concentrator.

(3)  "Fund" means the low-income critical care residential customer assistance fund.

(4)  "Low-income customer" means an electric customer designated as a low-income customer under Section 17.007 and commission rules.

(5)  "Portable backup battery" means a back-up battery system that is capable of being operated without being connected to an electric service panel.

(b)  The fund is an account in the general revenue fund. Money in the account may be appropriated only for the program described by Subsection (e) or as provided by other law.

(c)  The fund consists of:

(1)  money appropriated, credited, or transferred to the fund by the legislature;

(2)  gifts or grants contributed to the fund; and

(3)  interest earned on deposits and investments of the fund.

(d)  The commission shall administer the fund.

(e)  The commission shall establish a program to provide funding to low-income critical care residential customers to secure portable backup batteries to operate eligible devices in the customers' homes during a power outage.

(f)  Assistance under the fund may only be used to procure a portable backup battery that when fully charged and operated correctly is capable of running an eligible device for up to 48 hours.

(g)  The sale or provision of a portable backup battery to a person who receives assistance under the fund is a competitive energy service.

(h)  The commission may enable funding to be made available to competitive energy service providers through an energy efficiency program under Section 39.905.

(i)  The commission shall adopt rules necessary to administer this section.

SECTION 3.  It is the intent of the 88th Legislature, Regular Session, 2023, that the amendments made by this Act be harmonized with another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4.  This Act takes effect September 1, 2023.