88R1724 DIO-F

By:  Menéndez S.B. No. 114

A BILL TO BE ENTITLED

AN ACT

relating to the provision of electricity service in the ERCOT power region.

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

SECTION 1.  Section 39.101(b), Utilities Code, is amended to read as follows:

(b)  A customer is entitled:

(1)  to be informed about rights and opportunities in the transition to a competitive electric industry;

(2)  to choose the customer's retail electric provider consistent with this chapter, to have that choice honored, and to assume that the customer's chosen provider will not be changed without the customer's informed consent;

(3)  to have access to providers of energy efficiency services, to on-site distributed generation, and to providers of energy generated by renewable energy resources;

(4)  to be served by a provider of last resort that offers a commission-approved standard service package;

(5)  to receive sufficient information to make an informed choice of service provider;

(6)  to be protected from unfair, misleading, or deceptive practices, including protection from being billed for services that were not authorized or provided; [~~and~~]

(7)  to have an impartial and prompt resolution of disputes with its chosen retail electric provider and transmission and distribution utility;

(8)  to participation in demand response programs through retail electric providers and demand response providers; and

(9)  to receive notice from the retail electric provider that serves the customer:

(A)  when the independent organization certified under Section 39.151 for the ERCOT power region issues an emergency energy alert about low operating reserves to providers of generation in the power region; or

(B)  of planned outages and the length of time the outages are expected to last.

SECTION 2.  Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.919 to read as follows:

Sec. 39.919.  RESIDENTIAL DEMAND RESPONSE PROGRAM. (a) The commission by rule shall require each retail electric provider in the ERCOT power region to create a residential demand response program to reduce the average total residential load by at least:

(1)  one percent of peak summer and winter demand by December 31, 2024;

(2)  two percent of peak summer and winter demand by December 31, 2025;

(3)  three percent of peak summer and winter demand by December 31, 2026; and

(4)  five percent of peak summer and winter demand by December 31, 2027.

(b)  The rules must:

(1)  ensure that demand response participation is reasonably available to residential customers;

(2)  promote the use of smart metering technology;

(3)  ensure that demand response programs are capable of responding to an emergency energy alert about low operating reserves issued by the independent organization certified under Section 39.151 for the ERCOT power region;

(4)  provide opportunities for demand response providers to contract with retail electric providers to provide demand response services; and

(5)  ensure the program does not impact the critical needs of vulnerable populations.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.