

By: Guillen

H.B. No. 3095

A BILL TO BE ENTITLED

AN ACT

relating to the operation of load management programs by transmission and distribution utilities.

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

SECTION 1. Section 38.075(e), Utilities Code, is amended to read as follows:

(e) Notwithstanding any other provision of this subtitle, the commission shall allow a transmission and distribution utility to design and operate one or more ~~[a]~~ load management programs ~~[program for nonresidential customers]~~ to be used where the independent organization certified under Section 39.151 for the ERCOT power region has declared a Level 2 Emergency or a higher level of emergency or has otherwise directed the transmission and distribution utility to shed load. A load management program operated under this subsection must include only customers who have agreed in writing to participate. A transmission and distribution utility operating ~~[implementing]~~ a load management program under this subsection shall be permitted to recover the reasonable and necessary costs of the load management program under Chapter 36. A load management program operated under this subsection is not considered a competitive service.

SECTION 2. 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

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1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2023.