

By: Hall

S.B. No. 2460

A BILL TO BE ENTITLED

AN ACT

relating to the provision of certain electricity services.

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

SECTION 1. Section 31.002(20), Utilities Code, is amended to read as follows:

(20) "Transmission service" includes siting of facilities, including substations, construction or enlargement of facilities, transmission over distribution facilities, control area services, scheduling resources, regulation services, reactive power support, voltage control, provision of operating reserves, and any other associated electrical service the commission determines appropriate, except that, on and after the implementation of customer choice, control area services, scheduling resources, regulation services, provision of operating reserves, and reactive power support, voltage control, and other services provided by generation resources are not "transmission service."

SECTION 2. Section 37.052, Utilities Code, is amended by adding Subsection (d) to read as follows:

(d) A municipality that receives a request from an electric utility for written consent under Subsection (c)(2) for the construction of a transmission line:

(1) shall send written notice to the electric utility that includes the municipal conditions that the electric utility

1 must meet before construction of the transmission line may proceed;
2 and

3 (2) is considered to have consented to the
4 construction of the transmission line if the municipality does not
5 respond in writing to the request before the 90th day after the date
6 the electric utility submitted the request.

7 SECTION 3. Section 41.005, Utilities Code, is amended to
8 read as follows:

9 Sec. 41.005. LIMITATION ON MUNICIPAL AUTHORITY.
10 Notwithstanding any other provision of this title, a municipality
11 may not directly or indirectly regulate the rates, operations, and
12 services, including transmission services, of an electric
13 cooperative, except, with respect to operations, a municipality may
14 impose conditions reasonably ~~[to the extent]~~ necessary to protect
15 the public health, safety, or welfare. This section does not
16 prohibit a municipality from making a lawful charge for the use of
17 public rights-of-way within the municipality as provided by Section
18 182.025, Tax Code, and Section 33.008 of this code. An electric
19 cooperative shall be an electric utility for purposes of Section
20 182.025, Tax Code, and Section 33.008 of this code.

21 SECTION 4. Section 181.042, Utilities Code, is amended to
22 read as follows:

23 Sec. 181.042. AUTHORITY TO CONSTRUCT, MAINTAIN, AND OPERATE
24 LINES AND RELATED FACILITIES. An electric utility has the right to
25 construct, maintain, and operate lines and related facilities over,
26 under, across, on, or along a state highway, a county road, a
27 municipal street or alley, or other public property in a

1 municipality.

2 SECTION 5. Section 181.043, Utilities Code, is amended by
3 adding Subsection (c) to read as follows:

4 (c) A municipality that receives a request from an electric
5 utility for the municipality's consent to an activity described by
6 Section 181.042:

7 (1) shall send written notice to the electric utility
8 that includes the municipal conditions that the electric utility
9 must meet before the activity may proceed; and

10 (2) is considered to have consented to the activity if
11 the municipality does not respond in writing to the request before
12 the 90th day after the date the electric utility submitted the
13 request.

14 SECTION 6. This Act takes effect September 1, 2023.