

By: Troxclair

H.B. No. 1343

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the issuance by the Public Utility Commission of Texas
3 of a permit for the installation of certain electric energy storage
4 equipment or facilities; authorizing a fee.

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

6 SECTION 1. Subchapter E, Chapter 35, Utilities Code, is
7 amended by adding Section 35.154 to read as follows:

8 Sec. 35.154. LOCATION PERMIT. (a) In this section,
9 "person" includes an electric cooperative and a municipally owned
10 utility.

11 (b) A person may not install electric energy storage
12 equipment or facilities intended for use in selling energy or
13 ancillary services at wholesale in the ERCOT power region unless
14 the person holds a permit issued under this section.

15 (c) The commission by rule shall require each permitted
16 electric energy storage equipment or facility to be installed only
17 in a location that:

18 (1) is a sufficient distance from any other electric
19 energy storage equipment or facility to reasonably mitigate the
20 risk of a fire at the permitted electric energy storage equipment or
21 facility spreading to other electric energy storage equipment or
22 facilities; and

23 (2) in the event of a fire at the site of the permitted
24 electric energy storage equipment or facility, is reasonably

1 unlikely to block the only access point to a residential area.

2 (d) A person may apply for a permit under this section by
3 filing with the commission:

4 (1) a description of the proposed location of the
5 electric energy storage equipment or facilities;

6 (2) a description of the type of electric energy
7 storage equipment or facilities;

8 (3) a statement identifying the fire department, as
9 defined by Section 419.021, Government Code, volunteer fire
10 department, fire marshal, or other first responder entity that may
11 reasonably be expected to be the primary first responder to a fire
12 at the location of the electric energy storage equipment or
13 facilities;

14 (4) a statement that the person has provided written
15 notice to the entity identified in Subdivision (3) of the
16 applicant's intent to install electric energy storage equipment or
17 facilities; and

18 (5) any other information required by commission rule.

19 (e) When an application for a permit, or an amendment to a
20 permit issued under this section, is filed, the commission shall
21 give notice of the application to the county judge of the county in
22 which all or a majority of the electric energy storage equipment or
23 facilities are proposed to be located.

24 (f) The commission may hold one or more public meetings on a
25 permit application in the county in which the electric energy
26 storage equipment or facilities are proposed to be located. The
27 commission shall hold a public meeting:

1 (1) on the request of a member of the legislature who
2 represents the area in which the electric energy storage equipment
3 or facilities are proposed to be located; or

4 (2) if the commission determines there is substantial
5 public interest in the proposed permit.

6 (g) The commission by order or rule may delegate to the
7 executive director or another commission employee the authority to
8 hold a public meeting under this section.

9 (h) The commission may approve an application for a permit
10 only if the commission finds that:

11 (1) issuance of the permit would not violate state or
12 federal law; and

13 (2) the location of the proposed electric energy
14 storage equipment or facilities complies with rules adopted under
15 Subsection (c).

16 (i) The commission by rule shall adopt a fee to be imposed on
17 each permit applicant to cover costs associated with implementing
18 this section.

19 (j) For purposes of this section:

20 (1) a provision of Subchapter B or E, Chapter 14, that
21 authorizes the commission to regulate a public utility also applies
22 to a person required to obtain a permit under this section,
23 including an electric cooperative or a municipally owned utility;
24 and

25 (2) a reference in Chapter 15 to a person includes a
26 person required to obtain a permit under this section, including an
27 electric cooperative or a municipally owned utility.

1 SECTION 2. Section 35.154, Utilities Code, as added by this
2 Act, applies only to electric energy storage equipment or
3 facilities interconnected to a transmission facility on or after
4 the effective date of this Act.

5 SECTION 3. This Act takes effect September 1, 2025.