

By: Troxclair

H.B. No. 5572

A BILL TO BE ENTITLED

AN ACT

relating to energy storage facilities.

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

SECTION 1. Chapter 35, Utilities Code, is amended by adding subchapter F to read as follows:

SUBCHAPTER F. ENERGY STORAGE FACILITY APPROVAL

Sec. 35.201. DEFINITIONS. In this subchapter:

(1) "Energy storage facility" means a battery energy storage resource.

Sec. 35.202. APPLICATION. (a) On or before September 1, 2026, the commission shall establish a rule to create a process for energy storage facility applications and for the provision of public notice of the application to state agencies, local landowners, and county and municipal officials.

(b) An energy storage facility may not interconnect to the ERCOT electric grid without one of the following:

(1) the energy storage facility obtains approval by the commission under this subchapter; or

(2) the commission by order approves the interconnection of the energy storage facility.

(c) The commission shall approve, deny, or approve with conditions each application for interconnection of an energy storage facility through a contested case proceeding on a nondiscriminatory basis after considering:

- 1 (1) existing renewable energy generation facilities
- 2 in the area;
- 3 (2) existing agricultural and recreational land uses;
- 4 (3) environmental and species impact;
- 5 (4) historical and aesthetic values;
- 6 (5) appropriate setbacks from existing development;
- 7 and
- 8 (6) any other factor the commission deems appropriate.

9 (d) An application submitted under this section must
10 include:

- 11 (1) any recommendations provided by the Texas
- 12 Commission on Environmental Quality and the Texas Parks and
- 13 Wildlife Department;
- 14 (2) a plan of action for responding to state agency
- 15 recommendations prior to and during construction; and
- 16 (3) a fire mitigation plan that provides for:
- 17 (A) emergency vehicle access;
- 18 (B) fire mitigation procedures; and
- 19 (C) ingress and egress plans during a fire event.

20 Sec. 35.203. DEADLINE FOR DECISION. The commission must
21 approve, deny, or approve with conditions an application not later
22 than the 180th day after the date the application is filed or it is
23 deemed approved.

24 SECTION 2. This Act takes effect September 1, 2025.