

By: Zaffirini

S.B. No. 1641

A BILL TO BE ENTITLED

AN ACT

relating to load forecasts used in transmission planning for the ERCOT power region.

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

SECTION 1. Subchapter 2, Chapter 39, Utilities Code, is amended by adding Section 39.920 to read as follows:

Sec. 39.920. LOAD FORECASTS USED FOR TRANSMISSION PLANNING IN ERCOT. (a) In this section, "transmission or distribution service provider" means a transmission and distribution utility, municipally owned utility, or electric cooperative that owns or operates facilities used for the transmission or distribution of electricity.

(b) The commission by rule shall prohibit a transmission or distribution service provider from including in a load forecast submitted to the independent organization certified under Section 39.151 for the ERCOT power region for transmission planning any projected addition of retail demand of 25 megawatts or more at a single point of delivery unless each retail customer associated with the addition demonstrates that the customer is reasonably likely to take electric service at the level, location, and date reflected in the load forecast. The rules may require the demonstration to be made by:

(1) evidence of a lease or other arrangement demonstrating that the customer has an appropriate legal interest

1 in the real property associated with the point of delivery;

2 (2) a customer security deposit to be refunded only if
3 the additional demand is energized at the level and location
4 indicated in the transmission or distribution service provider's
5 load forecast;

6 (3) an attestation from the customer confirming the
7 amount, location, and energization date of the additional demand
8 reflected in the transmission or distribution service provider's
9 load forecast; or

10 (4) another method acceptable to the commission.

11 (c) A transmission or distribution service provider shall
12 submit an attestation to the independent organization certified
13 under Section 39.151 for the ERCOT power region with each load
14 forecast described by Subsection (b) stating that each retail
15 customer associated with additional demand described by that
16 subsection has made the demonstration required by the rules adopted
17 under that subsection.

18 (d) The independent organization certified under Section
19 39.151 for the ERCOT power region may not include a projected
20 addition of retail demand that is subject to Subsection (b) in a
21 transmission planning analysis that is used as a basis for a
22 determination of transmission need unless:

23 (1) the transmission or distribution service provider
24 seeking to include the demand addition submits the attestation
25 required by Subsection (c); and

26 (2) the retail customer and the transmission or
27 distribution service provider provide to the commission or the

1 independent organization all information requested by the
2 commission or independent organization, as applicable, regarding
3 the customer's demonstration required under Subsection (b).

4 (e) Competitively sensitive information provided in
5 response to a request under Subsection (d)(2) is confidential and
6 not subject to disclosure under Chapter 552, Government Code.

7 (f) The independent organization certified under Section
8 39.151 for the ERCOT power region may adopt protocols as necessary
9 to comply with this section and rules adopted by the commission
10 under this section.

11 (g) This section does not limit the authority of the
12 independent organization certified under Section 39.151 for the
13 ERCOT power region when conducting transmission planning analyses
14 to rely on a load forecast created by the independent organization
15 or a third-party study of future load considered credible by the
16 independent organization.

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