CHAPTER 979

H.B. No. 2049

AN ACT
relating to a qualifying cogeneration facility's ability to sell electric energy to multiple purchasers.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 31.002(13), Utilities Code, is amended to read as follows:

(13) "Qualifying cogenerator" and "qualifying small power producer" have the meanings assigned those terms by 16 U.S.C. Sections 796(18)(C) and 796(17)(D). A qualifying cogenerator that provides electricity to a [the] purchaser of the cogenerator's thermal output is not for that reason considered to be a retail electric provider or a power generation company.

SECTION 2. Subchapter B, Chapter 37, Utilities Code, is amended by adding Section 37.0521 to read as follows:

Sec. 37.0521. EXCEPTION FOR RETAIL SALES BY CERTAIN QUALIFYING COGENERATORS. (a) Notwithstanding Section 37.001(3), a qualifying cogenerator may sell electric energy at retail to more than one purchaser of the cogenerator's thermal output.

(b) Selling electric energy at retail to more than one purchaser does not, as a result of that sale, subject a qualifying cogenerator to regulation as:

(1) a retail electric provider or power generation company; or

(2) a retail electric utility under Chapter 37.

(c) This section does not apply to sales in an area:

(1) in which customer choice has not been adopted and where a municipally owned utility or an electric cooperative is certificated to provide retail electric utility service; or

(2) that is served by an electric utility that operates solely outside of ERCOT.

SECTION 3. This Act takes effect September 1, 2013.

Passed by the House on May 4, 2013: Yeas 136, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 2049 on May 22, 2013: Yeas 147, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 17, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.
Effective September 1, 2013.

CHAPTER 980

H.B. No. 2055

AN ACT
relating to the authority to issue bonds of the Marilee Special Utility District.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle C, Title 6, Special District Local Laws Code, is amended by adding Chapter 7215 to read as follows:

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