

BILL ANALYSIS

Senate Research Center

H.B. 13
By: Paddie (Schwertner)
Jurisprudence
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In February of this year, Winter Storm Uri struck Texas and paralyzed the state's electric grid, leaving millions of Texans without power for upwards of a week in frigid weather. This storm and its aftermath highlighted the need for greater coordination and communication between electric utilities, the natural gas industry, and their regulators to prevent these long-lasting power outages. H.B. 13 seeks to address this need by establishing the Texas Energy Disaster Reliability Council to help prevent interruptions in electric service lasting more than 24 hours caused by a disaster.

H.B. 13 amends current law relating to the establishment of the Texas Energy Disaster Reliability Council.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 186, Utilities Code, by adding Subchapter F, as follows:

SUBCHAPTER F. TEXAS ENERGY DISASTER RELIABILITY COUNCIL

Sec. 186.101. DEFINITIONS. Defines "council," "disaster," "division," "extended power outage," "gas provider," "public utility," "railroad commission," and "utility commission."

Sec. 186.102. COUNCIL. Provides that the Texas Energy Disaster Reliability Council (council) is established to:

- (1) prevent extended natural gas supply failures or power outages caused by disasters;
- (2) implement procedures to manage emergencies caused by disasters;
- (3) maintain records of critical infrastructure facilities to maintain service in a disaster;
- (4) coordinate the delivery of fuel to serve human needs natural gas customers and providers of electric generation service in a disaster;
- (5) monitor supply chains for the electric grid in this state to minimize service disruptions; and
- (6) study and make recommendations on methods to maintain the reliability of the electric grid in this state during a disaster, including methods for maintaining the reliability of natural gas supply networks.

Sec. 186.103. MEMBERS. (a) Provides that the council consists of:

- (1) the presiding officer of the Public Utility Commission of Texas (PUC);
- (2) the executive director of the PUC;
- (3) the chairman of the Railroad Commission of Texas (RRC);
- (4) the executive director of RRC;
- (5) the chief executive officer of the independent organization certified under Section 39.151 (Essential Organizations) for the Electric Reliability Council of Texas (ERCOT) power region; and
- (6) the chief of the Texas Division of Emergency Management (TDEM).

(b) Requires the chief of TDEM to serve as the presiding officer of the council.

(c) Requires the council to hold meetings during the weeks of March 1 and September 1 of each year.

(d) Requires the council, in addition to the meetings required by Subsection (c), to convene as soon as reasonably possible during or in anticipation of a disaster to address an actual or potential extended power outage caused by a disaster in order to coordinate fuel supplies and minimize the duration of the outage.

(e) Authorizes the council, in carrying out its functions, to consult and coordinate with:

- (1) the United States Department of Energy;
- (2) the United States Department of Homeland Security;
- (3) the North American Electric Reliability Corporation;
- (4) the Texas Reliability Entity;
- (5) federal and state agencies;
- (6) local governmental officials, including mayors, county judges, and emergency management officials;
- (7) members of the electric industry;
- (8) members of the natural gas industry; and
- (9) grid security experts.

(f) Requires a public utility or gas provider to provide to the council any information related to a disaster requested by the council. Provides that information obtained by the council under this subsection is confidential and not subject to disclosure by the council if the information is critical energy infrastructure information as defined by the independent organization certified under Section 39.151 for the ERCOT power region or federal law.

(g) Provides that, except as provided by Subsection (g-1), the meetings of the council and information obtained or created by the council are not subject to the requirements of Chapter 551 (Open Meetings) or 552 (Public Information), Government Code.

(g-1) Provides that information written, produced, collected, assembled, or maintained under law or in connection with the transaction of official business by the council or an officer or employee of the council is subject to Section 552.008 (Information for Legislative Purposes), Government Code, in the same manner as public information.

(h) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the council.

Sec. 186.104. REPORT. (a) Requires the council, not later than November 1 of each even-numbered year, to submit to the legislature a report on the reliability and stability of the electric supply chain in this state.

(b) Requires that the report include recommendations on methods to strengthen the electric supply chain in this state and to decrease the frequency of extended power outages caused by a disaster in this state.

SECTION 2. Effective date: upon passage or September 1, 2021.