

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 497  
By: Jackson et al.  
Natural Resources  
3/23/2011  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the growth and development of wind farms in some areas has resulted in issues for local military installations with regard to visibility. To avoid the possibility of a lack of communication, and to ensure that local military and radar installations are aware of wind farm development in the surrounding areas, establishing a communication network connecting these developments with military and radar installations could serve as a solution.

C.S.S.B. 497 would implement a notification system for proposed wind farm developments. The Public Utility Commission of Texas (PUC) will administer a notification process for wind farm developers to submit to PUC information regarding the proposed site before spending \$10,000 on the development.

Upon receipt of the developer's information, the agency will have 25 days to notify the city, county, and any military or radar installations within 25 miles that choose to opt-in to the notification system. Also, PUC will notify the Office of the Governor, the Texas Military Preparedness Commission, the comptroller of public accounts, the State Energy Conservation Office, and the General Land Office. This information will be published on PUC's website as well, and a copy of the list will be provided to any person who requests a copy.

C.S.S.B. 497 amends current law relating to notice of the construction or expansion of a wind-powered electric generation facility located near a federally owned or operated radar installation or military installation.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Public Utility Commission of Texas in SECTION 1 (Section 252.101, Utilities Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 5, Utilities Code, by adding Chapter 252, as follows:

#### **CHAPTER 252. NOTIFICATION OF CONSTRUCTION OR EXPANSION OF CERTAIN WIND-POWERED ELECTRIC GENERATION FACILITIES**

##### **SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 252.001. DEFINITION. Defines, in this chapter, "commission."

Sec. 252.002. APPLICABILITY OF CHAPTER. Provides that this chapter applies to the construction or expansion of a wind-powered electric generation facility if the construction or expansion is estimated to cost at least \$10,000, and any part of the construction or expansion will occur within 25 miles of the boundaries of a federally owned or operated radar installation or military installation (installation) included on the notification list described by Section 252.052.

[Reserves Sections 252.003-252.050 for expansion.]

## SUBCHAPTER B. REQUEST FOR NOTIFICATION

Sec. 252.051. REQUEST FOR NOTIFICATION. Authorizes an installation to request that the Public Utility Commission of Texas (PUC) notify the installation of a planned construction or expansion project if any part of the construction or expansion will occur within 25 miles of the boundaries of the installation.

Sec. 252.052. NOTIFICATION LIST. (a) Requires PUC to create and maintain a list of installations that have requested notification from PUC under Section 252.051.

(b) Requires PUC to publish the notification list required by this section on its Internet website and provide a copy of the list to each person who requests a copy.

Sec. 252.053. PROCEDURES RELATING TO LIST. Authorizes PUC to establish procedures as necessary to enable installations to request notification and to be included on the notification list required by Section 252.052, including procedures relating to the information an installation must provide to PUC.

[Reserves Sections 252.054-252.100 for expansion.]

## SUBCHAPTER C. NOTIFICATION OF CONSTRUCTION OR EXPANSION

Sec. 252.101. NOTIFICATION TO COMMISSION. (a) Requires a person who intends to begin a construction or expansion project to which this chapter applies to provide written notice to PUC of the planned construction or expansion. Requires PUC to set a deadline by which the notification required by this section must be provided.

(b) Sets forth the required content of the notice under Subsection (a).

(c) Authorizes PUC to charge a fee in an amount provided by PUC rule to a person who provides written notice of a construction or expansion project to PUC under this section. Prohibits the amount of the fee from exceeding an amount reasonably necessary to recover the cost of administering this chapter.

Sec. 252.102. NOTIFICATION BY COMMISSION. Requires PUC, not later than the 25th day after the date PUC receives notice of a proposed construction or expansion project under Section 252.101, to provide a copy of the notice to various parties. Sets forth a list of the recipients to whom PUC is required to give notice.

Sec. 252.103. ELECTRONIC REPORTING TO COMMISSION; ELECTRONIC TRANSMISSION OF INFORMATION BY COMMISSION. (a) Requires PUC to encourage the use of electronic submission through the Internet, to the extent practicable, for submitting the notice required by Section 252.101. Authorizes PUC to adjust fees assessed under this chapter as necessary to encourage electronic submission. Requires that an electronic report be submitted in a format prescribed by PUC.

(b) Authorizes PUC to transmit electronically the notice required by Section 252.102.

[Reserves Sections 252.104-252.150 for expansion.]

## SUBCHAPTER D. PROCEDURES

Sec. 252.151. CONSULTATION CONCERNING PROCEDURES. Requires PUC to consult with the office of the governor, the Texas Military Preparedness Commission, the office of the comptroller of public accounts, the State Energy Conservation Office, and the General Land Office in developing and amending procedures to implement and administer this chapter.

SECTION 2. Requires the Texas Commission on Environmental Quality [sic], not later than January 1, 2012, to adopt procedures necessary to implement Chapter 252, Utilities Code, as added by this Act.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2011.