

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 4150
By: Paddie et al. (Hughes)
Business & Commerce
5/20/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 4150 amends current law relating to safety and inspection requirements for certain utilities that provide electricity.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Public Utility Commission of Texas in SECTION 2 (Section 35.010, Utilities Code) and SECTION 3 (Section 36.066, Utilities Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Authorizes this Act to be cited as the William Thomas Heath Power Line Safety Act.

SECTION 2. Amends Subchapter A, Chapter 35, Utilities Code, by adding Section 35.010, as follows:

Sec. 35.010. COSTS RELATED TO REPORTING ON SAFETY PROCESSES AND INSPECTIONS FOR CERTAIN UTILITIES. (a) Provides that this section applies only to a municipally owned utility or electric cooperative that has wholesale transmission rates established by the Public Utility Commission of Texas (PUC).

(b) Requires costs incurred by a municipally owned utility or electric cooperative to comply with Section 38.102 to be recorded as a regulatory asset for timely recovery in wholesale transmission rates established by the PUC.

(c) Authorizes the PUC to adopt rules relating to the recording of regulatory assets under this section.

SECTION 3. Amends Subchapter B, Chapter 36, Utilities Code, by adding Section 36.066, as follows:

Sec. 36.066. COSTS RELATED TO REPORTING ON SAFETY PROCESSES AND INSPECTIONS FOR CERTAIN UTILITIES. (a) Requires costs incurred by an electric utility to comply with Section 38.102 to be recorded as a regulatory asset for timely recovery in rates established by the PUC.

(b) Authorizes the PUC to adopt rules relating to the recording of regulatory assets under this section.

SECTION 4. Amends Section 38.004, Utilities Code, as follows:

Sec. 38.004. MINIMUM CLEARANCE STANDARD. (a) Creates this subsection from existing text and makes no further changes to this subsection.

(b) Requires an electric utility, municipally owned utility, or electric cooperative to meet the minimum clearance requirements specified in Rule 232 of the

National Electrical Safety Code Standard ANSI (c)(2) in the construction of any transmission or distribution line over certain lakes.

SECTION 5. Amends Subchapter E, Chapter 38, Utilities Code, by adding Section 38.102, as follows:

Sec. 38.102. REPORTS ON SAFETY PROCESSES AND INSPECTIONS. (a) Requires each electric utility, municipally owned utility, and electric cooperative that owns or operates overhead transmission or distribution assets to submit to the PUC a report that includes a summary description of hazard recognition training documents provided by the utility or electric cooperative to its employees related to overhead transmission and distribution facilities and includes a summary description of training programs provided to employees by the utility or electric cooperative related to the National Electrical Safety Code for the construction of electric transmission and distribution lines.

(b) Requires an electric utility, municipally owned utility, or electric cooperative to submit an updated report not later than the 30th day after the date the utility or electric cooperative finalizes a material change to a document or program included in a report submitted under Subsection (a).

(c) Requires each electric utility, municipally owned utility, and electric cooperative that owns or operates overhead transmission facilities greater than 60 kilovolts, not later than May 1 every five years, to submit to the PUC a report for the preceding five-year period ending on December 31 of the preceding calendar year that includes the percentage of overhead transmission facilities greater than 60 kilovolts inspected for compliance with the National Electrical Safety Code relating to vertical clearance in the reporting period and includes the percentage of the overhead transmission facilities greater than 60 kilovolts anticipated to be inspected for compliance with the National Electrical Safety Code relating to vertical clearance during the five-year period beginning on January 1 of the year in which the report is submitted.

(d) Requires each electric utility, municipally owned utility, or electric cooperative that owns or operates overhead transmission facilities greater than 60 kilovolts, subject to Subsection (f), not later than May 1 of each year, to submit to the PUC a report on the facilities for the preceding calendar year that includes information regarding:

(1) the number of identified occurrences of noncompliance with Section 38.004 regarding the vertical clearance requirements of the National Electrical Safety Code;

(2) whether the utility or electric cooperative has actual knowledge that any portion of the utility's or electric cooperative's transmission system is not in compliance with Section 38.004 regarding the vertical clearance requirements of the National Electrical Safety Code; and

(3) whether the utility or electric cooperative has actual knowledge of any violations of easement agreements with the United States Army Corps of Engineers relating to Section 38.004 regarding the vertical clearance requirements of the National Electrical Safety Code for overhead transmission facilities.

(e) Requires each electric utility, municipally owned utility, or electric cooperative that owns or operates overhead transmission facilities greater than 60 kilovolts or distribution facilities greater than 1 kilovolt, subject to Subsection (f), not later than May 1 of each year, to submit to the PUC a report for the preceding calendar year that includes:

(1) the number of fatalities or injuries of individuals other than employees, contractors, or other persons qualified to work in proximity to overhead high voltage lines involving transmission or distribution assets related to noncompliance with the requirements of Section 38.004; and

(2) a description of corrective actions taken or planned to prevent the reoccurrence of fatalities or injuries described by Subdivision (1).

(f) Provides that violations resulting from, and incidents, fatalities, or injuries attributable to a violation resulting from, a natural disaster, weather event, or man-made act or force outside of a utility's or electric cooperative's control are not required to be included in the portions of the reports required under Subsections (d) and (e).

(g) Requires the PUC each year, not later than September 1, to make the reports publicly available on the PUC's Internet website.

(h) Provides that a report, and any required information contained in a report, made on an incident or violation under this section is not admissible in a civil or criminal proceeding against the electric utility, municipally owned utility, or electric cooperative, or the utility's or electric cooperative's employees, directors, or officers. Authorizes the PUC to otherwise take enforcement actions under the PUC's authority.

SECTION 6. Requires any electric utility, municipally owned utility, or electric cooperative that owns a transmission or distribution line over a lake listed in Section 38.004(b), Utilities Code, as added by this Act, that is not in compliance on the effective date of this Act with the clearance standards of Rule 232 of the National Electrical Safety Code Standard ANSI (c)(2) in effect at the time the line was constructed to bring the line into compliance not later than December 31, 2021. Requires any line over a lake listed in Section 38.004(b), Utilities Code, as added by this Act, that is required to be rebuilt to comply with this section to be constructed in accordance with the clearance standards of Rule 232 of the National Electrical Safety Code Standard ANSI (c)(2) in effect on the effective date of this Act.

SECTION 7. Provides that an electric utility, a municipally owned utility, or an electric cooperative required to submit a report under Section 38.102, Utilities Code, as added by this Act, is not required to submit the report until May 1, 2020.

SECTION 8. Effective date: September 1, 2019.