

## **BILL ANALYSIS**

Senate Research Center  
82R17188 JXC-F

H.B. 2619  
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Business & Commerce  
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Engrossed

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

In 2009, the legislature passed S.B. 361 to require that water utilities in Harris County (affected utilities) prepare an emergency plan for the provision of service during an extended power outage as soon as safe and practicable after a natural disaster. The bill required that water utilities report certain information, including their emergency preparedness plan as well as identifying and emergency contact information, to certain entities, including the county judge.

H.B. 2619 removes the requirement that affected utilities provide the required information to a county judge. In the alternative, and as prescribed by H.B. 2619, affected utilities shall submit required emergency preparedness reports and other information to their applicable retail electric or transmission and distribution service providers. This change would remove the county judge from the role of receiving and distributing emergency preparedness information from affected utilities, and require that those utilities provide the information directly to electric service providers.

H.B. 2619 amends current law relating to emergency preparedness information about water facilities.

### **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 Sections 13.1396(b), (c), (d), (e), and (g), Water Code, as follows:

(b) Deletes existing text providing that the county judge is among the entities to whom an affected utility is required to give a copy of the affected utility's emergency preparedness plan approved under Section 13.1395 (Standards of Emergency Operations), and the Texas Commission on Environmental Quality's (TCEQ) notification to the affected utility that the plan is accepted.

(c) Requires each affected utility to submit to each electric utility that provides transmission and distribution service to the affected utility, each retail electric provider that sells electric power to the affected utility, the office of emergency management of each county in which the utility has water and wastewater facilities that qualify for critical load status under rules adopted by the Public Utility Commission of Texas (PUC), PUC, and the division of emergency management of the governor, rather than requires each affected utility to submit to the county judge and the office of emergency management of each county in which the utility has water and wastewater facilities that qualify for critical load status under rules adopted by PUC, and to PUC, and the division of emergency management of the governor:

(1) information identifying the location and providing a general description of all water and wastewater facilities that qualify for critical load status; and

(2) emergency contact information for the affected utility, including:

(A) the person who will serve as a point of contact and the person's telephone number;

(B) the person who will serve as an alternative point of contact and the person's telephone number; and

(C) the affected utility's mailing address.

(d) Requires an affected utility to annually submit the information required by Subsection (c) to each electric utility that provides transmission and distribution service to the affected utility and to each retail electric provider that sells electric power to the affected utility, and immediately update the information provided under Subsection (c) as changes to the information occur.

(e) Requires each affected utility to submit annually to each electric utility that provides transmission and distribution service to the affected utility and to each retail electric provider that sells electric power to the affected utility any forms reasonably required by an electric utility or retail electric provider for determining critical load status, including a critical care eligibility determination form or similar form.

Deletes existing text relating to requiring the county judge of each county that receives the information required by Subsections (c) and (d), not later than February 1 of each year, to submit the information for each affected utility to each retail electric provider that sells electric power to an affected utility and each electric utility that provides transmission and distribution service to an affected utility and in cooperation with the affected utility, submit for each affected utility any forms reasonably required by an electric utility or retail electric provider for determining critical load status, including a critical care eligibility determination form or similar form.

(g) Requires the electric utility and the retail electric provider, if an electric utility determines that an affected utility's facilities do not qualify for critical load status, , not later than the 30th day after the date the electric utility or retail electric provider receives the information required by Subsections (c) and (d), to provide a detailed explanation of the electric utility's determination to the affected utility and the office of emergency management of each county in which the affected utility's facilities are located, rather than provide a detailed explanation of the electric utility's determination to each county judge that submitted the information.

SECTION 2. Repealer: Section 13.1396(a)(2) (defining "county judge"), Water Code.

SECTION 3. Effective date: upon passage or September 1, 2011.