

- SUBJECT:** Requiring electric utilities to meet certain standards and report incidents
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 13 ayes — Phelan, Hernandez, Deshotel, Guerra, Harless, Holland, Hunter, P. King, Parker, Raymond, E. Rodriguez, Smithee, Springer
- 0 nays
- WITNESSES:** For — Mark Stubbs, Farmers Electric Cooperative; Mike Williams, Texas Electric Cooperatives; Robert Walker, Upshur Rural Electric Cooperative; and six individuals; (*Registered, but did not testify*: Rene Lara, Texas AFL-CIO; Teri Johnson; Deborah Simmons)
- Against — None
- On — Julia Rathgeber, Association of Electric Companies of Texas; (*Registered, but did not testify*: Russell T. “Russ” Keene, Texas Public Power Association)
- BACKGROUND:** Some have suggested that certain electric utility providers may not be operating live power lines in a safe manner. They suggest requiring utilities and cooperatives to meet certain minimum clearance standards for power lines and report any incidents resulting in injuries or fatalities.
- DIGEST:** CSHB 4150 would require certain electric utilities, municipally owned utilities, and electric cooperatives to meet certain clearance standards for transmission or distribution lines and would create reporting requirements.
- Minimum clearance requirements.** The bill would require an electric utility, municipally owned utility, or electric cooperative to meet the minimum clearance requirements specified in the National Electrical Safety Code in the construction of any transmission or distribution line over certain lakes listed in the bill.
- Training reports.** Each utility or cooperative that owned or operated

transmission or distribution assets would have to submit to the Public Utility Commission (PUC) a report including:

- a description of hazard recognition training programs provided to employees and contractors regarding transmission and distribution facilities; and
- a description of training programs provided to employees and contractors related to the National Electrical Safety Code and U.S. Army Corps of Engineers (USACE) regulations for the construction of electric transmission and distribution lines.

A utility or cooperative would have to submit an updated report within 30 days after a change to a training program listed in the report was finalized.

Compliance reports. CSHB 4150 would require an electric utility that owned or operated overhead transmission or distribution facilities greater than 1 kilovolt to submit annually to PUC a report on the facilities including:

- identified occurrences of noncompliance with PUC inspection criteria, the date of discovery of noncompliance, and the remedy or mitigation plan; and
- identified occurrences of noncompliance with any agreement with USACE, including an easement agreement, relating to the vertical clearance of a facility.

Inspection reports. Each municipally owned utility or electric cooperative that owned or operated transmission or distribution assets would have to submit annually to PUC a report including the percentage of the system or assets inspected, or anticipated to be inspected, for compliance with the National Electrical Safety Code.

CSHB 4150 would require each electric utility that owned or operated overhead transmission facilities to submit to PUC every five years a report including the percentage of facilities inspected or anticipated to be inspected for compliance with the National Electric Safety Code.

Incident reports. Each electric utility, municipally owned utility, or electric cooperative that owned or operated transmission or distribution assets would have to submit annually to PUC a report including:

- the number of reported incidents regarding assets that were not in compliance with the National Electrical Safety Code;
- a statement on whether the utility or cooperative was aware the system was not in compliance,
- a statement on whether the utility or cooperative was aware of any violation of easement agreements on the basis of power line height requirements;
- the number of fatalities or injuries of individuals other than employees resulting from the assets; and
- a description of corrective actions taken or planned.

The bill would exclude from the report incidents, violations, fatalities, or injuries attributable to a natural disaster or weather event.

Public availability, civil action. PUC would have to make the reports publicly available on its website by September 1 of each year. Reports made on incidents and violations would not be admissible in a civil action. PUC could otherwise take enforcement actions under its authority.

Submission of reports. CSHB 4150 would not require an electric utility, municipally owned utility, or electric cooperative to submit any of the reports in the bill until May 1, 2020.

Effective date. The bill would take effect September 1, 2019. An electric utility or cooperative that owned a transmission or distribution line over certain lakes that was not in compliance with clearance standards on that date would have to bring the line into compliance by December 31, 2021, in accordance with standards that were current at that time.