



GOVERNOR GREG ABBOTT

March 19, 2021

The Honorable Frank Pallone, Jr.
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515-6115

The Honorable Bobby L. Rush
Chairman
Subcommittee on Energy
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515-6115

The Honorable Diana DeGette
Chair
Subcommittee on Oversight and Investigation
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515-6115

The Honorable Marc A. Veasey
Member
Committee on Energy and Commerce
U.S. House of Representatives
2348 Rayburn House Office Building
Washington, D.C. 20515-6115

The Honorable Lizzie Fletcher
Member
Committee on Energy and Commerce
U.S. House of Representatives
119 Cannon House Office Building
Washington, D.C. 20515-6115

Dear Chairman Pallone, Chairman Rush, Chair DeGette, Representative Veasey, and Representative Fletcher:

I write in response to your February 19, 2021 letter regarding the recent winter weather event in Texas, as well as the March 15, 2021 letter from Chair DeGette inviting Governor Abbott to testify at an upcoming hearing relating to the event. The historic winter storm in February affected every region of our state and brought some of the coldest temperatures we have ever seen. The severity and duration of this extreme weather has had a devastating impact on the lives of many Texans. Governor Abbott has been clear: Texas will take all necessary steps to make sure nothing like this happens again.

In response to this event, Governor Abbott immediately called on the Texas Legislature to investigate the Electric Reliability Council of Texas (ERCOT) and made reforming the structure

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of ERCOT an emergency issue for the Texas Legislature during the session that is currently underway. He also made it a priority this session to require and fund the winterization of power infrastructure in our state.

The Texas Legislature, which meets only for 140 days every other year, is already hard at work on these and related issues. Over the last month, members of the Texas State Senate and the Texas House of Representatives have held extensive hearings to investigate what happened during the weather event. These legislative hearings and other deliberations are expected to continue, and they have demonstrated that the Texas Legislature is committed to finding solutions that will prevent the occurrence of similar power outages in extreme weather conditions. As Governor Abbott has publicly stated, the legislative session will not end until the necessary reforms have been accomplished.

To help you understand the strength of the Texas Legislature's focus and the breadth of the issues being considered, I am providing you with a list of just some of the relevant filed bills. Members of the Texas Legislature have filed over 200 bills relating to the recent winter weather event. It is still unclear which of these bills will find support and be passed by the Texas Legislature, but the attached sampling of filed legislation will provide you with a picture of the ongoing discussions. And just yesterday, the State Affairs Committee within the Texas House of Representatives advanced several of the bills responding to the weather event, including House Bill 10, which would restructure ERCOT's leadership, and House Bill 11, which would weatherize Texas' power system.

The Public Utility Commission of Texas (PUC), which regulates the state's electric utilities, is actively working with the Texas Legislature to identify needed reforms. PUC is also taking immediate steps, including recently hiring a new director of ERCOT accountability, to seek to enhance the State's oversight of ERCOT.

Additionally, to further assist your committee and answer questions that have been posed, I will be electronically sending you formal transcripts of the testimony that Bill Magness, ERCOT's president and chief executive officer, provided to the Texas State Senate and Texas House of Representatives. Mr. Magness's testimony at these two hearings provides a detailed account of ERCOT's actions during the winter weather event.

I trust that you will understand the need to allow Texas to continue focusing on these important issues at the state level, particularly given the ongoing legislative session. To ensure that what happened in February never happens again, the Texas Legislature needs to complete its work this session and the PUC needs to continue focusing its time and energy working with the Texas Legislature to find solutions.

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Given this focus as well as other ongoing demands, Governor Abbott must respectfully decline the invitation to testify at the upcoming hearing. In addition to the reform efforts outlined above, Texas is still responding to and recovering from the February event on multiple levels. We are also dealing with numerous other challenges to our state, including the continued response to COVID-19 and recovery efforts relating to other declared disasters, such as for 2020 hurricanes and ongoing droughts. And all of this is occurring during the busy legislative session, in which we are working with the Texas Legislature on a host of other important issues.

Sincerely,



Luis Saenz
Chief of Staff
Office of the Governor

LS:msk

Attachment

cc: Jon Monger, Oversight Counsel, House Committee on Energy and Commerce
Austin Flack, Policy Analyst, House Committee on Energy and Commerce

87th TEXAS LEGISLATURE

EXAMPLES OF PROPOSED LEGISLATION RELATING TO GOVERNOR'S EMERGENCY ITEMS

<u>Bill No.</u>	<u>Author</u>	<u>Bill Caption</u>
HB 10	Paddie, Chris	Relating to the governing body of the independent organization certified to manage the ERCOT power region.
HB 11	Paddie, Chris	Relating to the extreme weather emergency preparedness of facilities for providing electric service.
HB 12	Raymond, Richard	Relating to a study on a statewide disaster and extended power outage alert system and implementation of that system.
HB 14	Goldman, Craig	Relating to the creation of the Texas Electricity Supply Chain Mapping Committee.
HB 16	Hernandez, Ana	Relating to a prohibition on the sale of wholesale indexed products by retail electric providers.
HB 1572	Craddick, Tom	Relating to electric service equipment.
HB 1607	Darby, Drew	Relating to certificates of public convenience and necessity for certain transmission projects.
HB 1672	Holland, Justin	Relating to use of electric energy storage facilities in the ERCOT power region.
HB 1965	Beckley, Michelle	Relating to the authority of the Public Utility Commission of Texas to ensure the Electric Reliability Council of Texas has adequate reserve power to prevent blackout conditions.
HB 2016	Thierry, Shawn	Relating to the authority of the Public Utility Commission of Texas to ensure the Electric Reliability Council of Texas has adequate reserve power to prevent blackout conditions.
HB 2034	Raymond, Richard	Relating to the governing body of the independent organization certified to manage the ERCOT power region.
HB 2050	Gonzalez, Jessica	Relating to energy emergency alerts and notifications in the ERCOT power region.
HB 2078	Reynolds, Ron	Relating to the governing body of the independent organization certified to manage the ERCOT power region.
HB 2243	Wilson, Terry	Relating to a landowner petition to partition and transfer a geographic portion of a service area of an electric cooperative.

HB 2354	Holland, Justin	Relating to the governing body of the independent organization to ensure access, reliability, adequacy, production, and market information of the ERCOT power region.
HB 2372	Slaton, Bryan	Relating to decommissioning requirements for certain solar facilities.
HB 2434	Cain, Briscoe	Relating to the governing body and employees of the independent organization certified to manage the ERCOT power region.
HB 2467	Price, Four	Relating to the governing body and executive management team of the independent organization certified to manage the ERCOT power region.
HB 2470	Rodriguez, Eddie	Relating to the authority of the Public Utility Commission of Texas to ensure the independent organization certified for the ERCOT power region has adequate reserve power to prevent blackout conditions.
HB 2472	Thierry, Shawn	Relating to the authority of the Public Utility Commission of Texas to ensure the independent organization certified for the ERCOT power region has adequate reserve power to prevent blackout conditions.
HB 2476	Allison, Steve	Relating to the weather emergency preparedness of facilities for providing gas or electric service.
HB 2480	Reynolds, Ron	Relating to the authority of the Public Utility Commission of Texas to ensure the independent organization certified for the ERCOT power region has adequate reserve power to prevent blackout conditions.
HB 2481	Reynolds, Ron	Relating to the winter weather emergency preparedness of gas pipeline facilities and facilities for providing electric service.
HB 2506	Johnson, Jarvis	Relating to the authority of the Public Utility Commission of Texas to ensure the independent organization certified for the ERCOT power region has adequate reserve power to prevent blackout conditions.
HB 2522	Metcalf, Will	Relating to the governing body of the independent organization certified to manage the ERCOT power region.
HB 2526	Thierry, Shawn	Relating to a study by the Public Utility Commission of Texas regarding grid resilience

		and emergency response in electric power generation.
HB 2529	Davis, Yvonne	Relating to the membership of the governing body of the independent organization certified for the ERCOT power region.
HB 2544	Dominguez, Alex	Relating to the governing body of the independent organization certified to manage the ERCOT power region.
HB 2586	Thierry, Shawn	Relating to an annual audit of the independent organization certified for the ERCOT power region.
HB 2599	Paul, Dennis	Relating to ownership and use of mobile batteries to restore electric service after a natural disaster in the ERCOT power region.
HB 2630	Leach, Jeff	Relating to the governing body and corporate officers of the independent organization certified to manage the ERCOT power region.
HB 2657	Larson, Lyle	Relating to the authority of the Public Utility Commission of Texas to ensure the independent organization certified for the ERCOT power region has adequate reserve power to prevent blackout conditions.
HB 2687	Reynolds, Ron	Relating to the prevention of power blackouts.
HB 2759	Vasut, Cody	Relating to the governing body of the independent organization certified to manage the ERCOT power region.
HB 2816	Thierry, Shawn	Relating to electric reliability standards adopted by the Public Utility Commission of Texas.
HB 2818	Thierry, Shawn	Relating to use of electric energy storage facilities in the ERCOT power region.
HB 2820	Thierry, Shawn	Relating to the development of electricity demand response programs.
HB 2828	Canales, Terry	Relating to the provision of onetime cash payments to certain electric customers.
HB 2839	Longoria, Oscar	Relating to the governing body of the independent organization certified to manage the ERCOT power region.
HB 2849	Larson, Lyle	Relating to the winter weather emergency preparedness of facilities that provide electric service.
HB 2899	Lopez, Ray	Relating to the creation of a task force to improve the reliability of electric service in this state.

HB 2982	Paul, Dennis	Relating to the creation of a joint interim committee to study the reliability of the ERCOT electric grid.
HB 3025	Darby, Drew	Relating to the membership and meetings of the Public Utility Commission of Texas.
HB 3038	Goodwin, Vikki	Relating to deployment of information technology and electric distribution system upgrades to more equitably distribute rolling blackouts.
HB 3061	Davis, Yvonne	Relating to the generation of electricity in this state.
HB 3062	Thierry, Shawn	Relating to the governing body of the independent organization certified to manage the ERCOT power region.
HB 3093	Smithee, John	Relating to the name and governance of the Public Utility Commission of Texas.
HB 3177	Rosenthal, Jon	Relating to accessing transmission service and power at wholesale outside of the ERCOT power region.
HB 3178	Rosenthal, Jon	Relating to the authority of the Public Utility Commission of Texas to ensure the independent organization certified for the ERCOT power region has adequate reserve power to prevent blackout conditions.
HB 3179	Rosenthal, Jon	Relating to electric power purchased for the ERCOT power region.
HB 3180	Rosenthal, Jon	Relating to eligibility criteria regarding commissioners of the Public Utility Commission of Texas and the governing body of the independent organization certified to manage the ERCOT power region.
HB 3181	Rosenthal, Jon	Relating to the weather emergency preparedness of facilities for providing electric service.
HB 3182	Rosenthal, Jon	Relating to the weather emergency preparedness of gas pipeline facilities and facilities for providing electric service.
HB 3184	Rosenthal, Jon	Relating to the use of adaptive model data analytics software by the independent organization certified to manage the ERCOT power region.
HB 3213	Sherman, Carl	Relating to the winter weather emergency preparedness of facilities for providing electric service.

HB 3362	Reynolds, Ron	Relating to the provision of electricity service in this state.
HB 3371	Ramos, Ana-Maria	Relating to emergency operations and weatherization plans prepared by the Electric Reliability Council of Texas.
HB 3468	Hinojosa, Gina	Relating to the composition of the governing body of the independent organization certified to manage the ERCOT power region.
HB 3543	Larson, Lyle	Relating to bill payment assistance for certain utility bills after a disaster.
HB 3592	Toth, Steve	Relating to the Public Utility Commission of Texas and the governing body of the independent organization certified to manage the ERCOT power region.
HB 3648	Geren, Charlie	Relating to the eligibility and designation of certain gas entities and gas facilities as critical during an emergency.
HB 3700	Hernandez, Ana	Relating to certain calculations made for load shedding in the ERCOT power region.
HB 3749	Lucio III, Eddie	Relating to the provision of electric service during extreme weather conditions.
HB 3791	Parker, Tan	Relating to the powers and duties of the Texas Electric Grid Security and Emergency Preparedness Advisory Council.
HB 3792	Shaheen, Matt	Relating to protecting the population of Texas, its environment, and its most vulnerable communities, promoting the resilience of the electric grid and certain municipalities.
HB 3912	Hinojosa, Gina	Relating to the weather emergency preparedness of gas facilities and facilities for providing electric service.
HB 3916	Goldman, Craig	Relating to prohibiting restrictive regulation of distributed power generation.
HB 3936	Sanford, Scott	Relating to the governing body and corporate officers of the independent organization certified to manage the ERCOT power region.
HB 3937	Sanford, Scott	Relating to the legislature's goals for renewable electric generating capacity.
HB 4120	Deshotel, Joe	Relating to the efficient use and generation of electricity by public schools.
HB 4167	Fierro, Art	Relating to the authority of the Public Utility Commission of Texas to ensure the independent organization certified for the

		ERCOT power region has adequate reserve power to prevent blackout conditions.
HB 4193	Raymond, Richard	Relating to the establishment of an office of the inspector general at the Public Utility Commission of Texas.
HB 4224	Bucy, John	Relating to the winter weather emergency preparedness of facilities for providing electric service.
HB 4236	Raymond, Richard	Relating to the target planning reserve margin for ERCOT.
HB 4323	Larson, Lyle	Relating to the development of a plan to reregulate the electric market in this state.
HB 4376	Kacal, Kyle	Relating to regulation of ownership and control of installed electric generation capacity.
HB 4397	Shaheen, Matt	Relating to a cybersecurity monitor for certain electric utilities.
HB 4414	Herrero, Abel	Relating to bill payment assistance for certain utility bills after a disaster.
HB 4462	Hinojosa, Gina	Relating to statewide requirements for electric energy storage.
HB 4466	King, Phil	Relating to the responsibility for ancillary services costs incurred for the operation of intermittent wind and solar resources.
HB 4502	Vasut, Cody	Relating to cost recovery for costs arising from the interconnection of certain electric generation facilities with the ERCOT transmission system.
HB 4557	Anchia, Rafael	Relating to customer disclaimers by billing utilities and the creation of a statewide alert system.
HB 4559	Anchia, Rafael	Relating to the load shed protocols within the ERCOT power region.
HB 4560	Anchia, Rafael	Relating to the Public Utility Commission of Texas, the Office of the Public Utility Counsel, and the independent organization certified for the ERCOT power region.
HB 4562	Anchia, Rafael	Relating to the extreme weather emergency preparedness of facilities providing gas or fuel to be used in the production of an electric service.
SB 2	Hancock, Kelly	relating to independent organizations certified to manage power regions.

SB 3	Schwertner, Charles	Relating to preparing for, preventing, and responding to weather emergencies, power outages, and other disasters.
SB 182	Schwertner, Charles	Relating to customer choice for certain municipally owned utilities.
SB 415	Hancock, Kelly	Relating to use of electric energy storage facilities in the ERCOT power region.
SB 648	Springer, Drew	Relating to electric service equipment.
SB 743	Springer, Drew	Relating to the governing body of an independent organization to ensure access, reliability, adequacy, production, and market information of the ERCOT power region.
SB 761	Seliger, Kel	Relating to the governing body of the independent organization certified to manage the ERCOT power region.
SB 829	Hall, Bob	Relating to decommissioning requirements for certain solar facilities.
SB 835	Alvarado, Carol	Relating to the governing body of the independent organization certified to manage the ERCOT power region.
SB 985	Buckingham, Dawn	Relating to reports by the Public Utility Commission of Texas on the ability of electric generators to respond to abnormal weather conditions.
SB 1252	Hall, Bob	Relating to an annual audit of the independent organization certified for the ERCOT power region.
SB 1278	Hancock, Kelly	Relating to the responsibility for ancillary services costs incurred for the operation of intermittent wind and solar resources.
SB 1279	Hancock, Kelly	Relating to wholesale indexed products offered by retail electric providers.
SB 1281	Hancock, Kelly	Relating to certificates of public convenience and necessity for certain transmission projects.
SB 1282	Hancock, Kelly	Relating to cost recovery for costs arising from the interconnection of certain electric generation facilities with the ERCOT transmission system.
SB 1303	Blanco, Cesar	Relating to the efficient use and generation of electricity by public schools.
SB 1325	Hinojosa, Chuy	Relating to certificates of public convenience and necessity for certain transmission projects.
SB 1331	Hinojosa, Chuy	Relating to electric energy storage in the ERCOT power region.

SB 1352	Miles, Borris	Relating to the authority of the Public Utility Commission of Texas to ensure the independent organization certified for the ERCOT power region has adequate reserve power to prevent blackout conditions.
SB 1479	Johnson, Nathan	Relating to the participation of distributed energy resources in the ERCOT market.
SB 1606	Hall, Bob	Relating to protecting the population of Texas, its environment, and its most vulnerable communities, promoting the resilience of the electric grid and certain municipalities.
SB 1624	Miles, Borris	Relating to the governing body of the independent organization certified to manage the ERCOT power region.
SB 1749	Hancock, Kelly	Relating to the eligibility and designation of certain gas entities and gas facilities as critical during an energy emergency.
SB 1750	Hancock, Kelly	Relating to coordinating severe weather preparedness in critical electric and natural gas infrastructure.
SB 1843	Eckhardt, Sarah	Relating to the weather preparedness of facilities for providing electric service.
SB 2019	Johnson, Nathan	Relating to the authority of the Public Utility Commission of Texas, with the assistance of the Railroad Commission of Texas, to take action to ensure that natural gas is available to supply power generation facilities.
SB 2052	Menendez, Jose	Relating to the provision of electricity service in this state.
SB 2076	Menendez, Jose	Relating to the prevention of and response to blackout conditions in the ERCOT power region.
SB 2109	Schwertner, Charles	Relating to the provision of electricity service in this state.