

**CHAPTER 25. SUBSTANTIVE RULES RELATING TO ELECTRIC SERVICE PROVIDERS.**

**Subchapter D. RECORDS, REPORTS, AND OTHER REQUIRED INFORMATION.**

**§25.91. Generating Capacity Reports.**

- (a) **Application.** This section applies to each person, power generation company, municipally owned utility, electric cooperative, and river authority that owns generation facilities and offers electricity for sale in this state. This section does not apply to an electric utility subject to Public Utility Regulatory Act (PURA) §39.102(c) until the end of the utility's rate freeze.
- (b) **Definitions.** The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise.
  - (1) **Nameplate rating** – The full-load continuous rating of a generator under specified conditions as designated by the manufacturer.
  - (2) **Summer net dependable capability** – The net capability of a generating unit in megawatts (MW) for daily planning and operational purposes during the summer peak season, as determined in accordance with requirements of the reliability council or independent organization in which the unit operates.
- (c) **Filing requirements.** Reporting parties shall file reports of generation capacity with the commission by the last working day of February each year, based on the immediately preceding calendar year. Filings shall be made using a form prescribed by the commission.
- (d) **Report attestation.** A report submitted pursuant to this section shall be attested to by an owner, partner, or officer of the reporting party under whose direction the report was prepared.
- (e) **Confidentiality.** The reporting party may designate information that it considers to be confidential. Information designated as confidential will be treated in accordance with the standard protective order issued by the commission applicable to generating capacity reports.
- (f) **Capacity ratings.** Generating unit capacity will be reported at the summer net dependable capability rating, except as follows:
  - (1) Renewable resource generating units that are not dispatchable will be reported at the actual capacity value during the most recent peak season, and the report will include data supporting the determination of the actual capacity value;
  - (2) Generating units that will be connected to a transmission or distribution system and operating within 12 months will be rated at the nameplate rating.
- (g) **Reporting requirements.**
  - (1) Each reporting party shall provide the following information concerning its generation capacity (in MW) and sales (in megawatt-hours (MWh)) on a power region-wide basis and for that portion of a power region in the state:
    - (A) total capacity of generating facilities that are connected with a transmission or distribution system;
    - (B) total capacity of generating facilities used to generate electricity for consumption by the person owning or controlling the facility;
    - (C) total capacity of generating facilities that will be connected with a transmission or distribution system and operating within 12 months;
    - (D) total affiliate installed generation capacity;
    - (E) total amount of capacity available for sale to others;
    - (F) total amount of capacity under contract to others;
    - (G) total amount of capacity dedicated to its own use;

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**§25.91(g)(1) continued**

- (H) total amount of capacity that has been subject to auction as approved by the commission;
  - (I) total amount of capacity that will be retired within 12 months;
  - (J) annual capacity sales to affiliated retail electric providers (REPs);
  - (K) annual wholesale energy sales;
  - (L) annual retail energy sales; and
  - (M) annual energy sales to affiliate REPs;
- (2) Each reporting party shall provide the following information for each generating unit it owns in whole or in part:
- (A) Name;
  - (B) Location by county, utility service area, power region, reliability council, and, if applicable, transmission zone;
  - (C) Capacity rating (MW) as specified in subsection (f) of this section;
  - (D) Annual generation (MWh);
  - (E) Type of fuel or nonfuel energy resource;
  - (F) Technology of natural gas generator; and
  - (G) Date of commercial operation.
- (3) Each reporting party shall identify the name and capacity rating of each generating unit that it owns that is partly owned by other parties. For each such unit, it shall identify the other owners and their respective ownership percentages.
- (4) Each reporting party shall identify the name and capacity rating of each generating unit that it owns but does not control. For each such unit, it shall identify the controlling party and briefly explain the nature of the other party's control of the unit.
- (5) Each reporting party shall identify the name and capacity rating of each generating unit that it owns that is located on the boundary between two power regions and able to deliver electricity directly into either power region, and shall report the total sales from each such unit for the preceding year by power region.
- (6) Each reporting party that is subject to the PURA §39.154(e) shall identify the name and capacity rating of each "grandfathered" generating unit that it owns in an ozone non-attainment area. Each reporting party shall also provide copies of any applications to the Texas Natural Resources Conservation Commission (TNRCC) for a permit for the emission of air contaminants related to the grandfathered units, and it shall also provide a description of the progress it has made since its last Generating Capacity Report on achieving approval of each such TNRCC permit.
- (7) Each reporting party shall identify the amount of transmission import capability that it has reserved and is available to import electricity during the summer peak into the power region from generating facilities that are owned by the reporting party or its affiliate in another power region.
- (h) Upon written request by the person responsible for the commission's market oversight program, a reporting party shall provide within 15 days any information deemed necessary by that person to investigate a potential market power abuse as defined in PURA §39.157(a). In addition, the commission may request reporting parties to provide any information deemed necessary by the commission to assess market power or the development of a competitive retail market in the state, pursuant to §39.155(a). A reporting party may designate information provided to the commission as confidential in accordance with subsection (e) of this section.