

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

**Subchapter I. TRANSMISSION AND DISTRIBUTION.**

**DIVISION 1. OPEN-ACCESS COMPARABLE TRANSMISSION SERVICE FOR ELECTRIC UTILITIES IN THE ELECTRIC RELIABILITY COUNCIL OF TEXAS.**

**§25.191. Transmission Service Requirements.**

- (a) **Purpose.** The purpose of Subchapter I, Division 1 of this chapter (relating to Transmission and Distribution), is to clearly state the terms and conditions that govern transmission access in order to:
- (1) facilitate competition in the sale of electric energy in Texas;
  - (2) preserve the reliability of electric service; and
  - (3) enhance economic efficiency in the production and consumption of electricity.
- (b) **Applicability.** Unless otherwise explicitly provided, Division 1 of this subchapter (relating to Open-Access Comparable Transmission Service for Electric Utilities in the Electric Reliability Council of Texas) applies to transmission service providers (TSPs), as defined in §25.5 of this title (relating to Definitions), which include river authorities and other electric utilities, municipally-owned utilities, and electric cooperatives. The transmission service standards described in Division 1 of this subchapter also apply to transmission service to, from, and over the direct-current interconnections between the Electric Reliability Council of Texas (ERCOT) region and areas outside of the ERCOT region (DC ties), to the extent that tariffs for such service incorporating the terms of Division 1 of this subchapter are approved for the transmission providers that own an interest in the interconnections. Some provisions of Division 1 explicitly apply to distribution service providers (DSPs), as defined in §25.5 of this title.
- (c) **Nature of transmission service.** Transmission service allows for power delivery from generation resources to serve loads, inside and outside of the ERCOT region. Service provided pursuant to Division 1 of this subchapter permits municipally-owned utilities, electric cooperatives, power marketers, power generation companies, qualifying scheduling entities, retail electric providers (REPs), qualifying facilities, and distribution service providers (DSPs) to use the transmission systems of the TSPs in ERCOT. Transmission service shall be provided pursuant to Division 1 of this subchapter, commission-approved tariffs, the ERCOT protocols and, for TSPs subject to Federal Energy Regulatory Commission (FERC) jurisdiction, FERC requirements. Transmission service under Division 1 of this subchapter includes the provision of transmission service to an entity that is scheduling the export or import of power from the ERCOT region across a DC tie. The rules in Division 1 of this subchapter do not require a municipally owned utility or electric cooperative that has not opted for customer choice to provide transmission service to a retail electric provider or retail customer in connection with the retail sale of electricity in its exclusive service area.
- (d) **Obligation to provide transmission service.** Each TSP in ERCOT shall provide transmission service in accordance with the provisions of Division 1 of this subchapter.
- (1) Where a TSP has contracted for another person to operate its transmission facilities, the person assigned to operate the facilities shall carry out the operating responsibilities of the TSP under Division 1 of this subchapter.
  - (2) The obligation to provide comparable transmission service applies to a TSP, even if the TSP's interconnection with the transmission service customer is through distribution, rather than transmission facilities. An electric cooperative that has not opted for customer choice or a municipally owned utility that has not opted for customer choice shall provide wholesale transmission service at distribution voltage when necessary to serve a wholesale customer.

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**§25.191(d)(2) continued**

- (A) A TSP or a DSP that owns facilities for the delivery of electricity to a transmission service customer purchasing electricity at wholesale using facilities rated at less than 60 kilovolts shall provide the customer access to its facilities on a non-discriminatory basis.
- (B) A TSP or DSP shall provide access to its facilities at the distribution level to a transmission service customer, in order to transmit power to a retail customer in an area in which the transmission service customer has the right to provide retail electric service. Such service shall be provided on a non-discriminatory basis and in accordance with PURA §39.203(h).
- (C) A DSP shall file a tariff with the commission for wholesale transmission service at distribution level voltage if:
  - (i) The DSP is currently providing wholesale transmission service at distribution voltage; or
  - (ii) The DSP receives a valid request to provide wholesale transmission service at distribution voltage. The DSP shall file the tariff within 30 days of receiving the request.
- (3) A TSP shall interconnect its facilities with new generating sources and construct facilities needed for such an interconnection, in accordance with Division 1 of this subchapter. A TSP shall use all reasonable efforts to communicate promptly with a power generation company to resolve any questions regarding the requests for service in a non-discriminatory manner. If a TSP or a power generation company is required to complete activities or to negotiate agreements as a condition of service, each party shall use due diligence to complete these actions within a reasonable time.