Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 4. AGRICULTURE

PART 2. TEXAS ANIMAL HEALTH COMMISSION

CHAPTER 51. ENTRY REQUIREMENTS

4 TAC §51.1, §51.4

The Texas Animal Health Commission (Commission) in a duly noticed meeting on May 6, 2025, adopted amendments to Title 4, Texas Administrative Code, Chapter 51 titled "Entry Requirements." Specifically, the Commission adopted amendments to §51.1 regarding Definitions and §51.4 regarding Shows, Fairs, and Exhibitions. The amendments to §51.4 are adopted with nonsubstantive changes to the proposed text published in the March 14, 2025 issue of the *Texas Register* (50 TexReg 1885) to correct a typographical error. The rule will be republished. The amendments to §51.1 are adopted without changes to the proposed text and will not be republished.

JUSTIFICATION FOR RULE ACTION

A member of the public petitioned the Commission for a rule change to modify the requirements for Texas origin animals entering Texas exhibition events. The petitioner explained that the current regulations made it expensive for youth competitors to participate in small family-run or 4H/FFA volunteer shows because of the cost of obtaining a certificate of veterinary inspection (CVI) for each show when out-of-state animals are present.

The petitioner requested that the Commission consider removing the requirement that Texas origin animals obtain a CVI for each exhibition.

According to the petitioner, many exhibitors are unable to obtain CVIs for multiple shows due to the cost, only allowing wealthy exhibitors to attend multiple shows, causing a disadvantage to some youth exhibitors. Elimination of the requirement would help level the playing field for all youth competitors.

The petitioner also pointed out that the current rule requires show sponsors to bar out-of-state participants for Texas only shows if they want to eliminate the requirement for Texas participants to have CVIs, resulting in loss revenue from out-of-state participants. The petitioner noted that out-of-state participants provide additional income to local businesses, particularly restaurants, hotels, gas stations, and feed/tack supply stores.

Currently, Commission rules distinguish between interstate shows and intrastate shows and have different entry requirements for each. The Commission considers shows, fairs, and exhibitions to be interstate if they permit livestock and poultry from other states to enter for show or exhibition and be held or exhibited in common facilities with Texas origin livestock and poultry of the same species. For interstate shows all animals must meet the out-of-state entry requirements which includes obtaining a CVI. The Commission considers shows, fairs, or exhibitions to be intrastate if they only allow Texas animals to enter or if they require Texas livestock and poultry of the same species to be housed and exhibited separately from livestock and poultry from out of state. For intrastate exhibitions, CVIs are not generally required.

Any time animals congregate from multiple premises there is an increased risk of disease transmission. The purpose of the entry requirements for shows, fairs, and exhibitions is to reduce the risk of disease transmission and ensure the Commission can perform a disease investigation if needed.

In reviewing the petition, staff at the Commission looked at the overall risk of disease transmission from Texas origin animals and at alternative ways a disease investigation could be conducted. Staff concluded that disease risk was not appreciably higher for interstate shows as long as out-of-state origin animals meet the Texas entry requirements. Staff also concluded that a disease investigation could be accomplished by obtaining information about participants from the show sponsor. Because sponsors typically gather information regarding the animals during the registration process, such as owner information, species, breed, sex, and age, it should not cause unreasonable burden on show sponsors. Commission staff found this recordkeeping would eliminate the need for CVIs for Texas origin animals.

After consideration of the petition, the Commission proposed amendments to the rules that will add a recordkeeping requirement for sponsors of shows, eliminate the distinction between interstate and intrastate shows, maintain entry requirements for out-of-state participants, and eliminate the need for Texas participants to meet the same standards of out-of-state participation. These changes will reduce the barriers for entry to shows, fairs, and exhibitions for Texas participants. Entry requirements for out-of-state participants cannot be reduced further without conflicting with existing federal requirements.

HOW THE RULES WILL FUNCTION

Section 51.1 removes the definition of "interstate show" and adds a definition for "official identification."

Section 51.4 sets forth the requirements for entry requirements for shows, fairs, and exhibitions. The amendments add a recordkeeping requirement for sponsors of shows, eliminate the distinction between interstate and intrastate shows, maintain entry requirements for out-of-state participants, and eliminate the need for Texas participants to meet the same standards of out-of-state participation.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended April 13, 2025.

During this period, the Commission received comments from 38 individuals in support of the rule. A summary of the comments relating to the rules and the Commission's response follows.

Comment: 38 individual commenters were supportive of the Commission's proposal to remove CVI requirements for in-state participants, noting that the change will greatly reduce the burden on youth participants without compromising animal health and biosecurity.

Response: The Commission thanks the commenters for the feedback. No changes were made as a result of these comments.

STATUTORY AUTHORITY

The amendments are authorized by Texas Agriculture Code, Chapter 161.

Pursuant to §161.041, titled "Disease Control", the Commission shall protect all livestock, exotic livestock, domestic fowl, and exotic fowl from diseases the Commission determines require control or eradication. Pursuant to §161.041(b) the Commission may act to eradicate or control any disease or agent of transmission for any disease that affects livestock, exotic livestock, domestic fowl, or exotic fowl. The Commission may adopt any rules necessary to carry out the purposes of this subsection, including rules concerning testing, movement, inspection, and treatment.

Pursuant to §161.043, titled "Regulation of Exhibitions", the Commission may regulate the entry of livestock and may require certification of those animals as reasonably necessary to protect against communicable diseases.

Pursuant to §161.046, titled "Rules", the Commission may adopt rules as necessary for the administration and enforcement of this chapter.

Pursuant to §161.047, titled "Entry Power", a commissioner or veterinarian or inspector employed by the Commission may enter public or private property for the exercise of an authority or performance of a duty under Chapter 161.

Pursuant to §161.048, titled "Inspection of Shipment of Animals or Animal Product", the Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. An agent of the Commission is entitled to stop and inspect a shipment of animals or animal products being transported in this state to determine if the shipment originated from a quarantined area or herd; or determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or non-communicable disease.

Pursuant to §161.054, titled "Regulation of Movement of Animals; Exception", the Commission may by rule regulate the movement of animals, and may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce. The Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved.

Pursuant to §161.056(a), titled "Animal Identification Program", the Commission, to provide for disease control and enhance the ability to trace disease-infected animals or animals that have been exposed to disease, may develop and implement an animal identification program that is no more stringent than a federal animal disease traceability or other federal animal identification program. Section 161.056(d) authorizes the Commission to adopt rules to provide for an animal identification program more stringent than a federal program only for control of a specific animal disease or for animal emergency management.

Pursuant to §161.0601, titled "Certificates of Veterinary Inspection", the Commission by rule may provide for the issuance of certificates of veterinary inspection by a veterinarian to a person transporting livestock, exotic livestock, domestic fowl, or exotic fowl.

Pursuant to §161.081, titled "Importation of Animals", the Commission by rule may provide the method for inspecting and testing animals before and after entry into the state of Texas. The Commission may create rules for the issuance and form of health certificates and entry permits.

No other statutes, articles, or codes are affected by this proposal.

§51.4. Shows, Fairs and Exhibitions.

(a) Sponsor Recordkeeping

(1) A sponsor must maintain the following records for each animal entered into a show, fair, or exhibition:

(A) owner's name and contact information, including address;

(B) county of origin;

(C) a description of the animal including sex, age, and breed, and, if applicable, official identification, validation information, tag numbers, tattoos, brands, and registration;

(D) information regarding the stall or pen that the animal was kept during the event, if applicable; and

(E) the buyer's name and contact information, including address, if the animal is sold at the show, fair, or exhibition.

(2) A sponsor must maintain records for one year after the date of the event.

(3) The sponsor must provide the records to Commission personnel upon request.

(b) Requirements for out-of-state origin animals.

(1) Cattle

(A) Certificate of Veterinary Inspection. All out-of-state origin cattle must have a valid Certificate of Veterinary Inspection (CVI).

(B) Official Identification. All out-of-state origin cattle of any age must be identified using official identification regardless of age or breed.

(C) Permit Requirements. Out-of-state origin cattle must meet the permit requirements contained in §51.8 of this title (relating to Cattle).

(D) Testing Requirements. Out-of-state origin cattle must meet the testing requirements contained in §51.8 of this title.

(E) Vaccination Requirements. Out-of-state origin cattle must meet the brucellosis vaccination requirements contained in §35.4 of this title (relating to Entry, Movement, and Change of Ownership).

(2) Equine

(A) Certificate of Veterinary Inspection. All out-of-state origin equine must have one of the following: a valid Certificate of Veterinary Inspection (CVI); a valid equine interstate passport; or a valid equine identification card.

(B) Testing Requirements.

(i) Equine Infectious Anemia (EIA). All out-of-state origin equine must have one of the following: proof of a negative result to an official Equine Infection Anemia (EIA) test within the previous 12 month if travelling on a Certificate of Veterinary Inspection (CVI); a valid equine interstate passport; or equine identification card.

(ii) Piroplasmosis. Equine entering a racetrack facility must meet the Piroplasmosis requirements for testing in §49.5 of this title (relating to Piroplasmosis: Testing, Identification of Infected Equine).

(3) Exotic Livestock and Fowl

(A) Certificate of Veterinary Inspection. All out-of-state origin exotic livestock and fowl must have a valid Certificate of Veterinary Inspection (CVI).

(B) Official Identification. All out-of-state origin exotic Cervidae, Bovidae, Swine, and Ratites must be identified using official identification.

(C) Permit Requirements. Out-of-state origin exotic livestock and fowl must meet the permit requirements contained in §51.9 of this title (relating to Exotic Livestock and Fowl).

(D) Testing Requirements. Out-of-state origin exotic livestock and fowl must meet the testing requirements contained in §51.9 of this title.

(E) Sale of Exhibition Exotic Fowl. All out-of-state sellers of live exotic fowl who do not participate in a qualifying disease surveillance program recognized by the Commission must register under Chapter 54 of this title.

(4) Goats

(A) Certificate of Veterinary Inspection. All out-of-state origin goats must have a valid Certificate of Veterinary Inspection (CVI).

(B) Official Identification. Unless excepted, all out-of-state origin goats are required to be identified using official identification.

(C) Permit Requirements. Out-of-state origin goats must meet the permit requirements contained in §51.11 and §51.12 of this title (relating to Goats and relating to Sheep).

(D) Testing Requirements. Out-of-State origin goats must meet the testing requirements contained in §51.11 and §51.12 of this title.

(5) Poultry and Domestic Fowl

(A) Certificate of Veterinary Inspection. All out-of-state origin poultry and domestic fowl entering Texas to be exhibited must have a valid Certificate of Veterinary Inspection (CVI).

(B) Permit Requirements. All poultry and domestic fowl entering Texas to be exhibited must have an entry permit issued by the Commission.

(C) Testing Requirements. All out-of-state origin poultry must meet the testing requirements contained in §51.15 and §57.11 of this title (relating to Poultry and relating to General Requirements).

(D) Sale of Exhibition Poultry and Domestic Fowl. All out-of-state sellers of live poultry and domestic fowl who do not participate in a qualifying disease surveillance program recognized by the Commission must register under Chapter 54 of this title.

(6) Sheep

(A) Certificate of Veterinary Inspection. All out-of-state origin sheep must have a valid Certificate of Veterinary Inspection (CVI).

(B) Official Identification. All out-of-state origin sheep are required to be identified using official identification.

(C) Permit Requirements. Out-of-state origin sheep must meet the permit requirements contained in §51.12 of this title.

(D) Testing Requirements. Out-of-State origin sheep must meet the testing requirements contained in §51.12 of this title.

(7) Swine

(A) Certificate of Veterinary Inspection. All out-of-state origin swine must have a valid Certificate of Veterinary Inspection (CVI) that includes the certifications required by §51.14(a) of this title (relating to Swine).

(B) Official Identification. All out-of-state origin swine are required to be identified using official identification.

(C) Testing Requirements. All out-of-state origin swine must meet testing requirements contained in §51.14 of this title.

(D) Vaccination Requirements. All out-of-state origin breeding swine (sexually intact swine, 6 months of age or older) must have a Leptospirosis vaccination within 30 days prior to the event. The vaccine must contain the following strains: Canicola, Hardjo, Icterohaemorrhagiae, Grippotyphosa, and Pomona. Vaccination status should be recorded on the CVI.

(c) Requirements for Texas origin animals.

(1) Cattle

(A) Official Identification. All dairy breed cattle, including steers and spayed heifers, and all breeding bulls 12 months of age or older must be identified using official identification.

(B) Testing Requirements. Texas origin dairy cattle are not required to test for tuberculosis to participate in a show, fair or exhibition within this state.

(C) Sale of Exhibition Bulls. Any Texas origin bulls changing possession at the event must meet the Trichomoniasis testing requirements contained §38.2 of this title (relating to General Requirements).

(2) Equine

(A) A Certificate of Veterinary Inspection is required for Texas origin entering a parimutuel racetrack.

(B) Testing Requirements.

(i) Equine Infectious Anemia (EIA). All equine must have one of the following: proof of a negative results to an official Equine Infection Anemia (EIA) test within the previous 12 months month if travelling on a Certificate of Veterinary Inspection (CVI); or a valid equine interstate passport; or equine identification card.

(ii) Piroplasmosis. Equine entering a racetrack facility must meet the Piroplasmosis requirements for testing in §49.5 of this title.

(3) Exotic Livestock and Fowl

(A) Official Identification.

(i) Texas origin Chronic Wasting Disease (CWD) susceptible cervids must be identified using official identification.

(ii) Exhibition ratites offered for sale must be identified using official identification.

(B) Sale of Exhibition Exotic Fowl. All sellers of live exotic fowl who do not participate in a qualifying disease surveillance program recognized by the Commission must register under Chapter 54 of this title.

(4) Goats. Unless excepted under §60.2 of this title (relating to Animal Identification and Record Keeping), all Texas origin goats are required to be identified using official identification.

(5) Poultry and Domestic Fowl

(A) Testing Requirements.

(i) Pullorum-Typhoid (PT) Test. Poultry must originate from flocks or hatcheries free of pullorum disease and fowl typhoid or have a negative PT test within 30 days before exhibition.

(ii) Laryngotracheitis (LT) Test. Poultry must originate from areas where LT has not been active in the past 30 days, and poultry must not have been vaccinated with the modified live chick-embryo origin LT vaccine or the modified live MG- attenuated vaccine.

(B) Sale of Exhibition Poultry and Domestic Fowl. All sellers of live poultry and domestic fowl who do not participate in a qualifying disease surveillance program recognized by the Commission must register under Chapter 54 of this title.

(6) Sheep

(A) Official Identification. Unless excepted under §60.2 of this title, all Texas origin sheep are required to be identified using official identification.

(B) Testing Requirements. Texas origin breeding rams may enter shows, fairs, and exhibitions without a test for Brucella ovis.

(7) Swine

(A) Official Identification. Texas origin breeding swine changing ownership must be identified using official identification.

(B) Testing Requirements. Prior to change of ownership, all swine must meet testing requirements contained in §55.1(b) of this title (relating to Testing Breeding Swine Prior to Sale or Change of Ownership). Texas origin swine entered in terminal shows are exempt from brucellosis and pseudorabies testing requirements.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 9, 2025.

TRD-202501600
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Effective date: May 29, 2025
Proposal publication date: March 14, 2025
For further information, please call: (512) 839-0511

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TITLE 10. COMMUNITY DEVELOPMENT

PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

CHAPTER 7. HOMLESSNESS PROGRAMS SUBCHAPTER C. EMERGENCY SOLUTIONS GRANTS (ESG)

10 TAC §7.34, §7.36

The Texas Department of Housing and Community Affairs (the Department) adopts, without changes to the proposed text as previously published in the February 21, 2025, issue of the *Texas Register* (50 TexReg 903), the repeal of 10 TAC Chapter 7, Subchapter A, Emergency Solutions Grants (ESG), §7.34 Continuing Awards and §7.36 General Threshold Criteria. The purpose of the repeals is to eliminate an outdated rule, while adopting a new updated rule under separate action. The rules will not be republished.

The Department has analyzed this adopted rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

1. Mr. Bobby Wilkinson, Executive Director, has determined that, for the first five years the repeal would be in effect, the repeal does not create or eliminate a government program, but relates to the repeal, and simultaneous readoption making changes to an existing activity, administration of the Department's Emergency Solutions Grants (ESG) Program.

2. The repeal does not require a change in work that would require the creation of new employee positions, nor is the repeal significant enough to reduce workload to a degree that any existing employee positions are eliminated.

3. The repeal does not require additional future legislative appropriations.

4. The repeal does not result in an increase in fees paid to the Department, nor a decrease in fees paid to the Department.

5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The action will repeal an existing regulation, but is associated with a simultaneous readoption making changes to an existing activity, the administration of the Department's Emergency Solutions Grant Program.

7. The repeal will not increase or decrease the number of individuals subject to the rule's applicability.

8. The repeal will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated this repeal and determined that the repeal will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The repeal does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the repealed sections would be updated and more germane rules. There will not be economic costs to individuals required to comply with the repealed sections.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT. The public comment period was held February 21, 2025, to March 21, 2025, to receive input on the proposed repealed sections. No comment was received.

STATUTORY AUTHORITY. The adopted repeal is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the adopted repealed sections affect no other code, article, or statute.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 9, 2025.

TRD-202501597
Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Effective date: May 29, 2025
Proposal publication date: February 21, 2025
For further information, please call: (512) 475-3959

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10 TAC §7.34, §7.36

The Texas Department of Housing and Community Affairs (the Department) adopts, without changes to the proposed text as previously published in the February 21, 2025 issue of the *Texas Register* (50 TexReg 904), new Chapter 7, Subchapter A, Emergency Solutions Grants (ESG), §7.34 Continuing Awards and §7.36 General Threshold Criteria. The purpose of the new sections is to take steps to better incentivize compliance with HUD's annual reporting requirements. The rules will not be republished.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson, Executive Director, has determined that, for the first five years the new rule would be in effect:

1. The new sections do not create or eliminate a government program, but relate to the readoption of this rule which makes changes to administration of the Department's Emergency Solutions Grants Program.

2. The new sections do not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.

3. The new sections do not require additional future legislative appropriations.

4. The new sections will not result in an increase in fees paid to the Department nor a decrease in fees paid to the Department.

5. The new sections are not creating a new regulation, except that it is replacing a rule being repealed simultaneously to provide for revisions.

6. The new sections will not expand or repeal an existing regulation.

7. The new sections will not increase or decrease the number of individuals subject to the rule's applicability.

8. The new sections will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002. The Department, in drafting these new sections, has attempted to reduce any adverse economic effect on small or micro-business or rural communities while remaining consistent with the statutory requirements of Tex. Gov't Code §2306.111.

1. The Department has evaluated these new sections and determined that none of the adverse effect strategies outlined in Tex. Gov't Code §2006.002(b) are applicable.

2. The Department has determined that because the new sections serve to clarify and update existing requirements and do not establish new requirements for which there would be an associated cost, there will be no economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The new sections do not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the new sections as to their possible effects on local economies and has determined that for the first five years the rule will be in effect the adopted new sections have no economic effect on local employment because the rule serves to clarify and update existing requirements and does not establish new requirements or activities that may positively or negatively impact local economies.

Tex. Gov't Code §2001.022(a) states that this "impact statement must describe in detail the probable effect of the rule on employment in each geographic region affected by this rule…" Consid-

ering that participation in the Department's Homeless Programs is at the discretion of the local government or other eligible subrecipients, there are no "probable" effects of the adopted new sections on particular geographic regions.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Bobby Wilkinson, Executive Director, has determined that, for each year of the first five years the new sections are in effect, the public benefit anticipated as a result of the rule will be a more germane rule that better aligns administration to federal and state requirements. There will not be any economic cost to any individuals required to comply with the new sections because the processes described by the rule have already been in place through the rule found at this section being repealed.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the new sections are in effect, enforcing or administering the rule does not have any foreseeable implications related to costs or revenues of the state or local governments because the rule updates and clarifies existing requirements and does not impose new requirements.

REQUEST FOR PUBLIC COMMENT. The public comment period was held February 21, 2025, to March 21, 2025, to receive input on the adopted new sections. No public comment was received.

STATUTORY AUTHORITY. The new sections are approved pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the new sections affect no other code, article, or statute.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
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TITLE 16. ECONOMIC REGULATION

PART 2. PUBLIC UTILITY COMMISSION OF TEXAS

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS

SUBCHAPTER S. WHOLESALE MARKETS

16 TAC §25.506

The Public Utility Commission of Texas (commission) adopts amendments to 16 Texas Administrative Code (TAC) §25.506, relating to Publication of Resource and Load Information in the Electric Reliability Council of Texas Power Region with changes to the proposed text as published in the February 28, 2025, issue of the *Texas Register* (50 TexReg 1069). The rule will be republished.

The adopted rule implements Public Utility Regulatory Act (PURA) §35.0022 as enacted by House Bill 1500, Section 8, during the 88th Texas Legislative Session (R.S.). The adopted rule requires owners and operators of generation resources and energy storage resources to provide ERCOT with information regarding each forced outage and certain forced derates, including the reason for the forced outage or derate. Additionally, the adopted rule requires ERCOT to post the provided information in a publicly accessible location on its website within three business days of the end of a resource's forced outage or derate.

The commission received comments on the proposed rule from the Advanced Power Alliance (APA) and American Clean Power Association (ACP) (APA + ACP), Electric Reliability Council of Texas (ERCOT), Lower Colorado River Authority (LCRA), Office of Public Utility Council (OPUC), Texas Electric Cooperatives, Inc. (TEC), Texas Public Power Association (TPPA), Texas Solar + Storage Association and Solar Energy Industries Association (Association Joint Commenters), and Vistra Corp. (Vistra).

Question for Comment

In the proposal for publication, the commission requested comments on whether all unplanned derates should be considered "unplanned service interruptions" for purposes of this rule.

Commenters provided three perspectives on the question for comment. The majority of commenters--including the Association Joint Commenters, APA + ACP, TPPA, Vistra, and LCRA--argued that the rule should only consider some unplanned derates to be unplanned service interruptions, reflecting ERCOT's current reporting requirements; OPUC supported the rule treating all unplanned derates as unplanned service interruptions; and TEC argued that no unplanned derates should be considered unplanned service interruptions.

The Association Joint Commenters recommended that only some unplanned derates be considered unplanned service interruptions. Specifically, the Association Joint Commenters recommended that only a "forced derate," as defined in ERCOT protocols, be considered an unplanned service interruption. The Association Joint Commenters recommended that if the commission determines that the rule should require reporting on any unplanned derates, the rule should use terms and thresholds for reporting that are consistent with ERCOT protocols. The Association Joint Commenters asserted that ERCOT's approach of setting a threshold on forced derate reporting is appropriate and should be retained because it eliminates reporting on minor forced derates that are unlikely to result in an "unplanned service interruption" as contemplated by statute.

APA + ACP recommended that only some unplanned derates be considered unplanned service interruptions. APA + ACP noted that the ERCOT protocols already require resources to report on forced outages and derates and asserted that they have an appropriate reporting threshold for forced derates in place. Accordingly, APA + ACP recommended that the commission establish a threshold for derate reporting rather than requiring resources to report on all unplanned derates.

TPPA recommended that only some unplanned derates be considered unplanned service interruptions. TPPA commented in

support of maintaining the threshold in ERCOT protocols for derate reporting. Further, TPPA noted that this threshold underwent review through the ERCOT stakeholder process, was approved by the ERCOT Board of Directors and the commission, and prevents onerous reporting of unplanned derates that are not significant enough to affect the reliability of the grid.

Vistra recommended that only some unplanned derates be considered unplanned service interruptions. Vistra commented that the legislative history of PURA §35.0022 indicates that the intended purpose of the statute is to focus on unplanned outages, rather than unplanned outages and derates. However, Vistra acknowledged that PURA §35.0022 does not preclude consideration of unplanned derates. For purposes of efficient implementation, Vistra recommended aligning the rule with existing ERCOT protocols, which only require resources to report on "forced" derates above a certain threshold, rather than all unplanned derates. To add clarity to the rule, Vistra also recommended adding the following statement in subsection (d)(1) and renumbering the subsequent paragraphs accordingly: "For purposes of this section, an unplanned outage or unplanned derate is the unavailability of all or a portion of a generation resource's or energy storage resource's capacity, based on its seasonal net maximum sustainable rating provided through ERCOT's resource registration process, that is required to be entered into the ERCOT outage scheduler and is not planned and scheduled in advance with ERCOT."

LCRA recommended that only some unplanned derates be considered unplanned service interruptions. LCRA suggested that required reporting on all unplanned derates could diminish the explanatory value of the reports for purposes of analyzing supply shortages and informing policy decisions. To add clarity to the rule, LCRA also recommended aligning the rule with the derate reporting threshold in ERCOT Nodal Protocol §3.1.4.7 by modifying proposed §25.506(d)(1) accordingly: "An owner or operator of a generation resource or energy storage resource must submit to ERCOT, in a manner determined by ERCOT, the following information related to each unplanned outage or unplanned derate that occurred at an amount greater than 10 MW and 5% of seasonal net maximum sustainable rating, lasting longer than 30 minutes."

OPUC recommended that all unplanned derates be considered unplanned service interruptions. OPUC noted that PURA §35.0022 requires reporting on the reason for each unplanned service interruption and, therefore, concluded that the reporting requirement in the adopted rule should not be contingent on whether an unplanned derate meets a materiality threshold, such as the one identified in ERCOT Nodal Protocol §3.1.4.7. OPUC asserted that aligning the reporting requirements in the rule with the materiality threshold in ERCOT Nodal Protocol §3.1.4.7 would be "contrary to PURA §35.0022" and "counterintuitive to the transparency reporting requirement," especially for residential consumers who use less than one megawatt of electricity.

TEC recommended that no unplanned derates be considered unplanned service interruptions. TEC commented that the rule should focus only on resource outages because derates are "not equivalent to an interruption of service" and are not specifically contemplated by PURA §35.0022. Further, TEC asserted that, because unplanned derates are "normal operational realities" for resources during certain seasons and weather conditions, requiring resources to report on all unplanned derates would impose an unfounded administrative burden on resources and ERCOT. Accordingly, TEC recommended that the commission modify the proposed rule to remove all references to "unplanned derates," replace all references to "unplanned outages" with "unplanned service interruption," and establish a definition for "unplanned service interruption" that would align with the "forced outage" definition in ERCOT protocols. TEC also recommended that the commission add rule language to clarify that resources are not required to report on "minor trips where only a portion of the generator's capacity is tripped offline momentarily" because a minor trip does not constitute an interruption of service and can be quickly resolved.

Commission Response

The commission agrees with the Association Joint Commenters, APA + ACP, TPPA, Vistra, and LCRA that only some unplanned derates should be considered unplanned service interruptions and that the adopted rule should align with the terms and reporting thresholds established by the ERCOT protocols. Accordingly, the commission replaces the proposed rule's references to "unplanned" outages and derates with references to "forced" outages and derates and adopts Vistra's recommendation to add adopted §25.506(d)(1) to establish that "for purposes of this subsection, a forced outage or forced derate is the unavailability of all or a portion of a generation resource's or energy storage resource's capacity, based on its seasonal net maximum sustainable rating provided through ERCOT's resource registration process, that is required to be entered into the ERCOT outage scheduler and was not planned and scheduled in advance with ERCOT." Additionally, the commission adds adopted §25.506(d)(2)(B) through (D) to further align the adopted rule with ERCOT protocols and ensure that essential information about the practical impacts of forced outages and derates on resource availability is available to ERCOT and the public.

The commission disagrees with OPUC that all unplanned derates should be considered unplanned service interruptions and that promulgating a rule that aligns with the forced derate reporting threshold in ERCOT Nodal Protocol §3.1.4.7 is "contrary to PURA §35.0022" and "counterintuitive to the transparency reporting requirement." Requiring generation resources to report on all forced derates, rather than only those deemed material, would not result in a meaningful increase in transparency around generation availability. This is because not all forced derates result in a material impact to a resource's availability. In fact, it is common for resources to experience low-magnitude or short-lived forced derates during normal operations. Therefore, requiring resources to report on all forced derates could result in an unnecessary influx of information for both ERCOT and the public and diminish the value of providing transparency around resource availability. While PURA §35.0022 does require resources to report on "each unplanned service interruption," it leaves the term "unplanned service interruption" undefined. Accordingly, the commission adds adopted §25.506(d)(1) to ensure that the public is provided with relevant and valuable information regarding generation availability.

The commission disagrees with TEC that no unplanned derates should be considered unplanned service interruptions and declines to modify the proposed rule to remove all references to "unplanned derates," replace all references to "unplanned outages" with "unplanned service interruption," or establish a definition for "unplanned service interruption," as recommended by TEC. As detailed above, the commission agrees that requiring resources and ERCOT to report on all forced derates would

result in a loss of meaningful transparency around generation availability, not a gain as intended by PURA §35.0022. However, the commission disagrees with TEC that it is appropriate for this rule to require resources and ERCOT to report only on forced outages. While not all derates are "equivalent to an interruption of service" as aptly noted by TEC, high-magnitude or long-lasting forced derates have a demonstrable impact on resource availability and are already subject to reporting requirements under ERCOT protocols. To ensure that the public continues to be provided with relevant and valuable information regarding generation availability, the commission aligns the adopted rule with ERCOT protocols by adding adopted §25.506(d)(1).

The commission also declines to add clarifying language to the proposed rule regarding "minor trip" reporting as recommended by TEC for two reasons. First, the term "minor trip" is not defined or used in Chapter 35 of PURA, commission rules, or ERCOT protocols and would cause confusion for stakeholders if added to this rule without further definition. Second, there is no need for the rule to provide resources with specific guidance on "minor trip" reporting. As detailed above, adopted §25.506(d)(1) provides that resources are only required to report on forced outages and derates that are required to be entered into the ERCOT Outage Scheduler and were not planned and scheduled in advance with ERCOT. Accordingly, a resource is not required to report a "minor trip" to ERCOT unless the "minor trip" meets the definition of "forced outage" or "forced derate" under the ERCOT protocols and meets the criterion in adopted §25.506(d)(1).

General Comments

Alignment with statutory language

The Association Joint Commenters commented that, because ERCOT protocols already contain comprehensive outage reporting requirements, there is no need for the commission to adopt a rule that goes beyond the statutory language. Accordingly, the Association Joint Commenters recommended that the commission modify proposed §25.506(d)(1) to mirror PURA §35.0022 and modify proposed §25.506(d)(2) to direct ERCOT to adopt protocols to implement the rule.

APA + ACP commented that the ERCOT protocols already establish appropriate reporting requirements for forced outages and derates and recommended that the commission modify the proposed rule to remove provisions that go beyond the statutory requirements and allow any future concerns or changes to be addressed through the ERCOT stakeholder process.

Commission Response

The commission declines to modify the proposed rule to only reflect the statutory language and requirements as recommended by the Association Joint Commenters and APA + ACP. The adopted rule affirms the existing reporting practices for forced outages and forced derates under ERCOT protocols, while establishing a baseline for what information is essential for ERCOT and the public to receive for reliability and transparency purposes, respectively.

The commission also declines to direct ERCOT to implement protocols in accordance with the adopted rule as recommended by Association Joint Commenters and APA + ACP because it is unnecessary. Adopted §25.506(e) already requires ERCOT to use a stakeholder process to develop and implement rules that comply with §25.506.

Reporting on aggregated generation resources

TEC recommended that the adopted rule state that, where ERCOT treats an aggregation of generation resources as a single unit, the reporting related to the aggregation under this section also be treated as a single unit.

Commission Response

The commission declines to modify the proposed rule to state that where ERCOT treats an aggregation of generation resources as a single unit, the reporting related to the aggregation should also be treated as a single unit as recommended by TEC because it is unnecessary. Adopted §25.506(d)(2) establishes that a generation resource or energy storage resource must submit information related to forced outages and forced derates to ERCOT in a manner consistent with ERCOT protocols, which effectively defers reporting procedures to the ERCOT protocols.

Good cause exceptions

TEC recommended that the commission add a good cause exception to some of the reporting deadlines to give greater flexibility to generators working to restore service following more severe outage situations.

Commission Response

The commission declines to modify the proposed rule to provide good cause exceptions to "some of the reporting deadlines" for generation resources or energy storage resources as recommended by TEC because the adopted rule does not provide any reporting deadlines for generation resources or energy storage resources. The only reporting deadline in the adopted rule is in §25.506(d)(3) and is related to ERCOT's reporting of the information provided by generation resources or energy storage resources under adopted §25.506(d)(2). Any reporting deadlines for generation resources or energy storage resources regarding forced outages and forced derates are provided in the ERCOT protocols.

Duplicative reporting requirements

TEC noted that the reporting requirements of the proposed rule may be duplicative of the North American Electric Reliability Commission (NERC) Generating Availability Data System (GADS) reporting. TEC requested that the commission analyze the reporting requirements for GADS and remove any duplicative elements in the proposed rule or make exceptions for those generators that already report under GADS. TEC did not include redlines on this issue.

Commission Response

The commission declines to modify the proposed rule to remove reporting requirements that are duplicative to NERC GADS reporting requirements, or provide exceptions for generation resources or energy storage resources that already report under NERC GADS, as recommended by TEC. Receiving the information under adopted §25.506(d)(2) is essential for ERCOT to both assess the reliability impacts of a forced outage or forced derate and provide timely information on generation availability to the public. Further, the NERC GADS and ERCOT reporting requirements for forced outages and forced derates are not identical, meaning that some NERC GADS reporting requirements are more extensive than ERCOT reporting requirements and vice versa. Therefore, the removal of duplicative reporting requirements from the proposed rule could lead to a less comprehensive picture of resources' forced outages and derates for both ERCOT and the public.

Report formatting and submission

TEC requested clarification from the commission on whether reports under this section will be electronic- or paper-based and whether the reports will require an executive signature.

Commission Response

The available submission methods for reports required under §25.506(d)(2) will be determined by ERCOT.

Proposed §25.506(d)(1)

Proposed §25.506(d)(1) requires an owner or operator of a generation resource or an energy storage resource to submit to ERCOT, in a manner determined by ERCOT, information related to each unplanned outage or unplanned derate.

Vistra recommended that the commission modify proposed §25.506(d)(1) to reference the ERCOT protocols to reflect that the forced outage and forced derate reporting process is defined in ERCOT protocols, and not unilaterally determined by ERCOT. Vistra included redlines consistent with its recommendation.

Commission Response

The commission agrees with Vistra that the adopted rule should reflect that the forced outage and derate reporting process is established in the ERCOT protocols and not unilaterally determined by ERCOT. Accordingly, the commission modifies adopted §25.506(d)(2) as recommended by Vistra.

Proposed §25.506(d)(1)(C) and (D)

Proposed §25.506(d)(1)(C) requires an owner or operator of a generation resource or an energy storage resource to submit to ERCOT the end date and time of each unplanned outage or unplanned derate. Proposed §25.506(d)(1)(D) requires an owner or operator of a generation resource or an energy storage resource to submit to ERCOT the date and time that a resource returned to normal operations following each unplanned outage or unplanned derate.

ERCOT recommended that the commission modify proposed §25.506(d)(1)(C) to align with ERCOT reporting requirements found in Section 3 of the ERCOT Nodal Protocols which requires ERCOT to report the "planned or actual end date/time" of an unplanned outage or unplanned derate. ERCOT included redlines consistent with its recommendation.

ERCOT also recommended that the commission modify proposed §25.506(d)(1)(D) to clarify that the unplanned outage or unplanned derate reporting timeline is initiated by the actual end of the reported event instead of a generation resource's "return to normal operations" as a generation resource could have numerous unplanned outages or derates at any given time and would not "return to normal operations" until the conclusion of all unplanned outages or derates. ERCOT included redlines consistent with its recommendation.

TEC commented that it was unaware of any instance when the dates in proposed §25.506(d)(1)(C) and (D) would be different and recommended that the commission combine the provisions to reflect the fact that the date for both of these events will be the same. TEC did not include redlines on this issue.

Commission Response

The commission agrees with TEC that proposed §25.506(d)(1)(C) and (D) effectively communicate the same date. However, the commission declines to adopt TEC's recommended change. Instead, the commission modifies proposed §25.506(d)(1)(C) and (D) to better align with the reporting requirements under ERCOT protocols as recommended by ERCOT. Specifically, adopted §25.506(d)(2)(F) and (G) respectively require generation resources and energy storage resources to report "the anticipated end date and time" and "the actual end date and time" of a forced outage or forced derate to ERCOT.

Proposed §25.506(d)(1)(F)

Proposed §25.506(d)(1)(F) requires an owner or operator of a generation resource or an energy storage resource to submit to ERCOT, in addition to the information required under proposed §25.506(d)(1)(A)-(E), any other information required under the ERCOT Nodal Protocols.

TEC recommended that the commission clarify proposed §25.506(d)(1)(F) by specifying that "any other information under the ERCOT Nodal Protocols" relates only to "outage reporting information required to be provided to ERCOT under the ERCOT Nodal Protocols." TEC included redlines consistent with its recommendation.

Commission Response

The commission agrees with TEC that the language of proposed §25.506(d)(1)(F) is unclear. However, the commission declines to modify the proposed rule to specify that, in addition to the reporting requirements in adopted §25.506(d)(2)(A) through (H), resources must only provide "any other outage reporting information required to be provided to ERCOT under the ERCOT Nodal Protocols" as recommended by TEC because it is inconsistent with the policy in adopted §25.506(d), which requires reporting related to forced outages and forced derates. Instead, the commission modifies the proposed rule to clarify that, in addition to the reporting requirements in adopted §25.506(d)(2)(A) through (H), generation resources and energy storage resources must report "any other applicable information required under the ERCOT protocols." This addition provides more clarity to stakeholders while ensuring consistency with subsection (d)(1) of the adopted rule.

Proposed §25.506(d)(2)

Proposed §25.506(d)(2) requires ERCOT to, not later than the third business day after a generation resource or energy storage resource returns to normal operations following an unplanned outage or unplanned derate, post the information received under proposed §25.506(d)(1)(A), (B), (C), and (E), in resource-specific form, for each operating day.

ERCOT commented that a generation resource could have numerous unplanned outages or derates at any given time and would not "return to normal operations" until the conclusion of all unplanned outages or derates. Accordingly, ERCOT recommended that the commission modify proposed §25.506(d)(2) to clarify that the reporting requirements under proposed §25.506(d)(2) are initiated at the actual end of an unplanned outage or derate event, rather than when a resource "returns to normal operations." ERCOT included redlines consistent with its recommendation.

LCRA noted that the reporting requirement under proposed §25.506(d)(2) is consistent with statute, but different from current ERCOT practice. LCRA explained that current ERCOT protocols require resource entities to provide an estimation of a resource's return to service and to speculate on the cause of the forced outage or forced derate within 60 minutes. LCRA further explained that this "competitively sensitive information" is posted publicly on the ERCOT website three days after

the first operating day of the forced outage or derate. LCRA asserted that ERCOT's current publishing practice could negatively impact the price of bids and offers of competitors and increase costs for consumers, as well as provide policymakers concerned with unit availability during supply shortages with "little insight." LCRA recommended that the commission adopt the rule with the ERCOT reporting timeline as proposed, add language to proposed §25.506(d)(2) prohibiting ERCOT from publishing information provided under proposed §25.506(d)(1) until a resource has returned to normal operations, and, upon adoption, explicitly direct ERCOT to file a nodal protocol revision request to bring the protocols into conformity with the adopted rule.

Vistra commented in support of proposed §25.506(d)(2), citing that the provision aligns with the ERCOT reporting timeline provided by PURA §35.0022. However, Vistra asserted that ERCOT's current practice of reporting on forced outages and forced derates three business days after they begin does not align with proposed §25.506(d)(2). Vistra recommended that the commission direct ERCOT through the rulemaking to leverage existing reports and processes to achieve the purposes of PURA §35.0022, including by aligning the timing of outage reporting with statute.

Commission Response

The commission agrees with ERCOT that the phrase "returns to normal operations" in proposed §25.506(d)(2) is unclear and modifies the rule accordingly. Specifically, adopted §25.506(d)(3) specifies that ERCOT must post the information received under adopted §25.506(d)(2) not later than the third business day after a forced outage or forced derate under adopted §25.506(d)(1) ends.

The commission declines to explicitly direct ERCOT to file a nodal protocol revision request to bring the protocols into conformity with the adopted rule as recommended by LCRA because it is unnecessary. The commission also declines to direct ERCOT through this rulemaking to leverage existing reports and processes to achieve the purposes of PURA §35.0022, including by aligning the timing of outage reporting with statute as recommended by Vistra for the same reason. ERCOT's current practice of reporting on forced outages and forced derates within three days of one starting both complies with adopted §25.506(d)(3) and PURA §35.0022 and provides information around generation availability to the public more quickly than is required. Therefore, there is no need for the commission to direct ERCOT to bring either its protocols or reporting practices into compliance or conformity with adopted §25.506(d)(3) or PURA §35.0022.

Further, the commission declines to modify proposed §25.506(d)(2) to prohibit ERCOT from reporting on forced outages and forced derates until after a resource has returned to normal operations as recommended by LCRA. LCRA asserted in its comments that ERCOT's current reporting practice involves "competitively sensitive information" and could "negatively impact the price of bids and offers of competitors and increase costs for consumers." The commission does not share this concern. When a generation resource or energy storage resource is unavailable for ERCOT dispatch due to a forced outage or forced derate, it is inherently possible that higher bids and offers--and consumer costs--will occur. However, ERCOT's reports on forced outages and forced derates are purposely backward-looking and do not provide real-time--or "competitively sensitive"--information that would prove advantageous to other competitive entities as asserted by LCRA. Furthermore, as noted by LCRA, this is an existing practice, and the commission is not aware of evidence that it has resulted in cost increases or other negative consequences. This lack of evidence supports preserving the status quo on this issue. Finally, the adopted rule provides ERCOT and stakeholders with the flexibility to further fine tune these requirements, as necessary, should concerns over competitively sensitive information increase.

OPUC recommended that the commission modify proposed §25.506(d)(2) to reflect that the information provided under proposed §25.506(d)(1)(A), (B), (C), and (E) should be posted in a publicly accessible location on ERCOT's website. OPUC included redlines consistent with its recommendation.

Commission Response

The commission declines to modify proposed §25.506(d)(2) to require ERCOT to publish the information provided under proposed §25.506(d)(1)(A), (B), (C), and (E) in a publicly accessible location on its website as recommended by OPUC because adopted §25.506(a) already requires ERCOT to post the information required in §25.506 at a publicly accessible location on its website."

The amended rule is adopted under the following provisions of PURA: §14.001, which provides the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by PURA that is necessary and convenient to the exercise of that power and jurisdiction; §14.002, which provides the commission with the authority to make adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; and §35.0022, which directs the commission to, by rule, require a provider of electric generation service to provide ERCOT with the reason for each unplanned service interruption.

Cross reference to statutes: Public Utility Regulatory Act §§14.001, 14.002, and 35.0022.

§25.506. Publication of Resource and Load Information in the Electric Reliability Council of Texas Power Region.

(a) General Requirements. To increase the transparency of the ERCOT-administered markets, ERCOT must post the information required in this section at a publicly accessible location on its website. In no event will ERCOT disclose competitively sensitive consumption data. The information released must be made available to all market participants.

(b) ERCOT will post the following information in aggregated form, for each settlement interval and for each area where available, two calendar days after the day for which the information is accumulated:

(1) quantities and prices of offers for energy and each type of ancillary capacity service, in the form of supply curves;

(2) self-arranged energy and ancillary capacity services, for each type of service;

(3) actual resource output;

(4) load and resource output for all entities that dynamically schedule their resources;

(5) actual load; and

(6) energy bid curves, cleared energy bids, and cleared load.

(c) ERCOT will post the following information in entity-specific form, for each settlement interval, 60 calendar days after the day for which the information is accumulated, except where inapplicable or otherwise prescribed. Resource-specific offer information must be linked to the name of the resource (or identified as a virtual offer), the name of the entity submitting the information, and the name of the entity controlling the resource. If there are multiple offers for the resource, ERCOT must post the specified information for each offer for the resource, including the name of the entity submitting the offer and the name of the entity controlling the resource. ERCOT will use §25.502(d) of this title (relating to Pricing Safeguards in Markets Operated by the Electric Reliability Council of Texas) to determine the control of a resource and must include this information in its market operations data system.

(1) Offer curves (prices and quantities) for each type of ancillary service and for energy in the real time market, except that, for the highest-priced offer selected or dispatched for each interval on an ERCOT-wide basis, ERCOT will post the offer price and the name of the entity submitting the offer three calendar days after the day for which the information is accumulated.

(2) If the clearing prices for energy or any ancillary service exceeds a calculated value that is equal to 50 times a natural gas price index selected by ERCOT for each operating day, expressed in dollars per megawatt-hour (MWh) or dollars per megawatt per hour, during any interval, the portion of every market participant's price-quantity offer pairs for balancing energy service and each other ancillary service that is at or above a calculated value that is equal to 50 times a natural gas price index selected by ERCOT for each operating day, expressed in dollars per MWh or dollars per megawatt per hour, for that service and that interval must be posted seven calendar days after the day for which the offer is submitted.

(3) Other resource-specific information, as well as self-arranged energy and ancillary capacity services, and actual resource output, for each type of service and for each resource at each settlement point.

(4) The load and generation resource output, for each entity that dynamically schedules its resources.

(5) For each hour, transmission flows, voltages, transformer flows, voltages and tap positions (i.e., State Estimator data). Notwithstanding the provisions of this subparagraph and the provisions of paragraphs (1) through (4) of this subsection, ERCOT must release relevant State Estimator data earlier than 60 days after the day for which the information is accumulated if, in its sole discretion, it determines the release is necessary to provide a complete and timely explanation and analysis of unexpected market operations and results or system events, including but not limited to pricing anomalies, recurring transmission congestion, and system disturbances. ERCOT's release of data in this event must be limited to intervals associated with the unexpected market or system event as determined by ERCOT. The data released must be made available simultaneously to all market participants.

(d) Reporting on forced generation outages and derates.

(1) For purposes of this subsection, a forced outage or forced derate is the unavailability of all or a portion of a generation resource's or energy storage resource's capacity, based on its seasonal net maximum sustainable rating provided through ERCOT's resource registration process, that is required to be entered into the ERCOT outage scheduler and was not planned and scheduled in advance with ERCOT.

(2) An owner or operator of a generation resource or energy storage resource must submit to ERCOT, in a manner consistent with ERCOT protocols, the following information related to each forced outage or forced derate of a generation resource or energy storage resource:

(A) the name of the resource;

(B) the resource's applicable seasonal net maximum sustainable rating, in megawatts;

(C) the resource's available capacity during the resource's forced outage or forced derate, in megawatts;

(D) the effective reduction to the resource's applicable seasonal net maximum sustainable rating due to the resource's forced outage or forced derate, in megawatts;

(E) the start date and time of the resource's forced outage or forced derate;

(F) the anticipated end date and time of the resource's forced outage or forced derate;

(G) the actual end date and time of the resource's unplanned outage or derate;

(H) the reason for the resource's forced outage or forced derate; and

(I) any other applicable information required under the ERCOT protocols.

(3) Not later than the third business day after a forced outage or forced derate under paragraph (1) of this subsection ends, ERCOT must post the information received under paragraph (2) of this subsection, in resource-specific form, for each operating day.

(e) Development and implementation. ERCOT must use a stakeholder process, in consultation with commission staff, to develop and implement rules that comply with this section. Nothing in this section prevents the commission from taking actions necessary to protect the public interest, including actions that are otherwise inconsistent with the other provisions in this section.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 8, 2025.

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Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
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PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 110. ATHLETIC TRAINERS

16 TAC §§110.24, 110.30, 110.70

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 110, §§110.24, 110.30, and 110.70,

regarding the Athletic Trainers program, without changes to the proposed text as published in the December 27, 2024, issue of the *Texas Register* (49 TexReg 10460). These rules will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 110, implement Texas Occupations Code, Chapter 451, Athletic Trainers.

The adopted rules amend the license renewal process to add an affirmation by the licensee that all services provided will be directed by a qualified health professional, with those written directives kept current. The adopted rules also update the temporary licensing requirements to first require passage of the written examination, with the expiration of the temporary license coming on the last day of the month of the next scheduled practical examination. Finally, the adopted rules update the standards of practice to include a physician-delegated authority document. This document must be obtained before an athletic trainer practices, be kept on file with the athletic trainer's license, and be available for review. The physician-delegated authority document must have the contact information of the sponsoring physician. The document must also be renewed each time the sponsoring physician changes.

The adopted rules are necessary to improve safety standards, as clear documentation of the services that may be provided by the licensee will clarify expectations and eliminate confusion. By adding the qualification of passage of the written examination to the current educational and apprenticeship requirements, the adopted rules will help ensure that individuals with temporary licenses have the requisite knowledge of athletic training principles to be in the field. These adopted rules are supported by the Athletic Trainers Advisory Board.

SECTION-BY-SECTION SUMMARY

The adopted rules add §110.24(e) to include the requirement that, upon renewal of a license, a licensee must affirm that all services rendered will be under the direction of a licensed physician or qualified, licensed, health professional. That direction will be in the form of a current, written document.

The adopted rules add §110.30(a)(2) to require an individual to pass the written portion of the Athletic Trainer examination before receiving a temporary license.

The adopted rules amend §110.30(b) to terminate a temporary license on the last day of the month of the next scheduled offering of the practical portion of the Athletic Trainer examination.

The adopted rules add §110.70(a)(1) to introduce the physician-delegated document. Athletic Trainers, under this adopted rule, will need to have a physical copy of this document before practicing.

The adopted rules add §110.70(a)(2) to require the physician-delegated document to be on file with the athletic trainer's license or identification card. Both documents must be available for review.

The adopted rules add §110.70(a)(3) to require the physician-delegated document held by the athletic trainer to include identifying and contact information of the sponsoring physician. The physician-delegated document must be renewed each time the sponsoring physician changes.

PUBLIC COMMENTS

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the December 27, 2024, issue of the *Texas Register* (49 TexReg 10460). The public comment period closed on January 27, 2025. The Department received comments from one interested party on the proposed rules. The public comment is summarized below.

Comment: One commenter asked how the proposed rule amendments would affect licensees who work at camps or perform contractual work outside of Texas.

Department Response: The proposed amendments should not impact licensees who work outside of the state. The Athletic Trainers statute and rules apply only to services performed or offered to be performed within Texas. The Department did not make any changes to the proposed rules in response to the comment.

ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION

The Athletic Trainers Advisory Board met on March 10, 2025, to discuss the proposed rules and the public comments received. The Advisory Board recommended that the Commission adopt the proposed rules as published in the *Texas Register*. At its meeting on April 9, 2025, the Commission adopted the proposed rules as recommended by the Advisory Board.

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 451, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 451, and Texas Education Code Chapter 38, §38.158. No other statutes, articles, or codes are affected by the adopted rules.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 9, 2025.

TRD-202501595
Doug Jennings
General Counsel
Texas Department of Licensing and Regulation
Effective date: June 1, 2025
Proposal publication date: December 27, 2024
For further information, please call: (512) 475-4879

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TITLE 22. EXAMINING BOARDS

PART 15. TEXAS STATE BOARD OF PHARMACY

CHAPTER 281. ADMINISTRATIVE PRACTICE AND PROCEDURES

SUBCHAPTER A. GENERAL PROVISIONS

22 TAC §281.2

The Texas State Board of Pharmacy adopts amendments to §281.2, concerning Definitions. These amendments are adopted without changes to the proposed text as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2027). The rule will not be republished.

The amendments correct the chapter range in the definition of the Act.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 8, 2025.

TRD-202501584
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Effective date: May 28, 2025
Proposal publication date: March 21, 2025
For further information, please call: (512) 305-8084

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CHAPTER 291. PHARMACIES

SUBCHAPTER B. COMMUNITY PHARMACY (CLASS A)

22 TAC §291.32

The Texas State Board of Pharmacy adopts amendments to §291.32, concerning Personnel. These amendments are adopted without changes to the proposed text as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2031). The rule will not be republished.

The amendments exclude central fill pharmacies that have no patient-facing contact from the required minimum ratio of pharmacists to pharmacy technicians and pharmacy technician trainees.

The Board received comments from the National Association of Chain Drug Stores, Jeenu Philip, R.Ph., with Walgreen Co., and Rob Geddes, PharmD, with CVS Health expressing support for the amendments.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Daniel Carroll, Pharm.D.
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Texas State Board of Pharmacy
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SUBCHAPTER C. NUCLEAR PHARMACY (CLASS B)

22 TAC §291.55

The Texas State Board of Pharmacy adopts amendments to §291.55, concerning Records. These amendments are adopted without changes to the proposed text as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2034). The rule will not be republished.

The amendments update a citation concerning a statutory provision that has been repealed.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
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For further information, please call: (512) 305-8084

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SUBCHAPTER F. NON-RESIDENT PHARMACY (CLASS E)

22 TAC §291.102

The Texas State Board of Pharmacy adopts amendments to §291.102, concerning Definitions. These amendments are

adopted without changes to the proposed text as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2041). The rule will not be republished.

The amendments correct the chapter range in the definition of the Act.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
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Proposal publication date: March 21, 2025
For further information, please call: (512) 305-8084

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CHAPTER 315. CONTROLLED SUBSTANCES

22 TAC §315.13

The Texas State Board of Pharmacy adopts amendments to §315.13, concerning Official Prescription Form - Effective September 1, 2016. These amendments are adopted without changes to the proposed text as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2043). The rule will not be republished.

The amendments remove a recordkeeping requirement concerning a statutory provision that has been repealed and the effective date from the short title.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Effective date: May 28, 2025
Proposal publication date: March 21, 2025
For further information, please call: (512) 305-8084

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TITLE 25. HEALTH SERVICES

PART 1. DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 27. CASE MANAGEMENT FOR CHILDREN AND PREGNANT WOMEN

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts the repeal of §27.1, concerning Purpose and Application, §27.3, concerning Definitions, §27.5, concerning Client Eligibility, §27.7, concerning Client Rights, §27.9, concerning Client Confidentiality, §27.11, concerning Components of Case Management for Children and Pregnant Women Services, §27.13, concerning Prior Authorization, §27.15, concerning Provider Qualifications, §27.17, concerning Provider Approval Process, §27.19, concerning Provider Responsibilities, §27.21, concerning Case Manager Qualifications, §27.23, concerning Case Manager Responsibilities, §27.25, concerning Utilization and Quality Assurance Reviews and Compliance, and §27.27, concerning Termination, Suspension, Probation, and Reprimand of Providers.

The repeal of §§27.1, 27.3, 27.5, 27.7, 27.9, 27.11, 27.13, 27.15, 27.17, 27.19, 27.21, 27.23, 27.25, and 27.27 are adopted without changes to the proposed text as published in the February 21, 2025, issue of the *Texas Register* (50 TexReg 906). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

Case Management for Children and Pregnant Women (CPW) services, administered by HHSC, provides Medicaid case management to assist eligible Medicaid clients in accessing necessary medical, social, educational, and other services related to health conditions and health risks. To be eligible for services, a client must be either a child with a health condition or health risk or a pregnant woman with a high-risk condition. The client must also be Medicaid-eligible in Texas, need case management for CPW services, and choose such services.

HHSC is repealing Chapter 27, Case Management for Children and Pregnant Women, in Title 25, Part 1, Texas Administrative Code (TAC), and adopting new Chapter 257, Case Management for Children and Pregnant Women, in 26 TAC, Part 1. The purpose for moving the CPW chapter from Title 25 to Title 26, is to conform administrative rules to current HHSC practices based on Senate Bill (S.B.) 200, 84th Legislature, Regular Session, 2015. S.B. 200 consolidated functions in the Texas Health and Human Services delivery system and transferred programs, to include CPW, from the Department of State Health Services to HHSC.

The new CPW rules in 26 TAC Chapter 257 are adopted elsewhere in this issue of the *Texas Register*.

COMMENTS

The 31-day comment period ended March 24, 2025.

During this period, HHSC did not receive any comments regarding the proposed rules.

SUBCHAPTER A. GENERAL PROVISIONS

25 TAC §27.1, §27.3

STATUTORY AUTHORITY

The repeals are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §531.033, which authorizes the Executive Commissioner of HHSC to adopt rules as necessary to carry out the commission's duties; and Human Resources Code §32.021 and Texas Government Code §531.021(a), which authorize HHSC to administer the federal medical assistance (Medicaid) program.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 9, 2025.

TRD-202501589
Karen Ray
Chief Counsel
Department of State Health Services
Effective date: May 29, 2025
Proposal publication date: February 21, 2025
For further information, please call: (737) 395-1786

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SUBCHAPTER B. CLIENT SERVICES

25 TAC §§27.5, 27.7, 27.9, 27.11, 27.13

The repeals are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §531.033, which authorizes the Executive Commissioner of HHSC to adopt rules as necessary to carry out the commission's duties; and Human Resources Code §32.021 and Texas Government Code §531.021(a), which authorize HHSC to administer the federal medical assistance (Medicaid) program.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Karen Ray
Chief Counsel
Department of State Health Services
Effective date: May 29, 2025
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For further information, please call: (737) 395-1786

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SUBCHAPTER C. PROVIDER QUALIFICATIONS AND RESPONSIBILITIES

25 TAC §§27.15, 27.17, 27.19, 27.21, 27.23, 27.25, 27.27

The repeals are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §531.033, which authorizes the Executive Commissioner of HHSC to adopt rules as necessary to carry out the commission's duties; and Human Resources Code §32.021 and Texas Government Code §531.021(a), which authorize HHSC to administer the federal medical assistance (Medicaid) program.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Karen Ray
Chief Counsel
Department of State Health Services
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For further information, please call: (737) 395-1786

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TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 257. CASE MANAGEMENT FOR CHILDREN AND PREGNANT WOMEN

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts new §257.1, concerning Purpose and Application; §257.3, concerning Definitions; §257.5, concerning Client Eligibility; §257.7, concerning Client Rights; §257.9, concerning Client Confidentiality; §257.11, concerning Components of Case Management for Children and Pregnant Women Services; §257.15, concerning Provider Qualifications and Approval Process; §257.17, concerning Provider Responsibilities; §257.19, concerning Case Manager Qualifications; §257.21, concerning Case Manager Responsibilities; and §257.23, concerning Compliance with Utilization Reviews and Quality Assurance Reviews and Overpayments.

Sections 257.1, 257.3, 257.5, 257.7, 257.9, 257.11, 257.15, 257.17, 257.19, 257.21, and 257.23 are adopted without changes to the proposed text as published in the February 21, 2025, issue of the *Texas Register* (50 TexReg 939). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

Case Management for Children and Pregnant Women (CPW) services, administered by HHSC, provides Medicaid case management to assist eligible Medicaid clients in accessing necessary medical, social, educational, and other services related to health conditions and health risks. To be eligible for services, a client must be either a child with a health condition or health risk

or a pregnant woman with a high-risk condition. The client must also be Medicaid-eligible in Texas, need case management for CPW services, and choose such services.

HHSC is repealing Chapter 27, Case Management for Children and Pregnant Women, in Title 25, Part 1, Texas Administrative Code (TAC), and adopting new Chapter 257, Case Management for Children and Pregnant Women, in 26 TAC, Part 1. The purpose for moving the CPW chapter from Title 25 to Title 26 is to conform administrative rules to current HHSC practices based on Senate Bill (S.B.) 200, 84th Legislature, Regular Session, 2015. S.B. 200 consolidated functions in the Texas Health and Human Services delivery system and transferred programs, including CPW, from the Department of State Health Services (DSHS) to HHSC. The repeal of the CPW rules in 25 TAC Chapter 27 is adopted elsewhere in this issue of the *Texas Register*.

In addition to relocating the CPW rules from DSHS to HHSC, the new sections are necessary to comply with amendments to the CPW rules in accordance with House Bill (H.B.) 133, 87th Legislature, Regular Session, 2021, that directs HHSC to deliver CPW services through managed care organizations. The adoption also makes amendments to the CPW rules to implement certain requirements of House Bill 1575, 88th Legislature, Regular Session, 2023. H.B. 1575 authorizes case management services to pregnant women with a high-risk condition to address nonmedical needs; adds two new provider types, doula and community health worker, as eligible to provide case management services; and establishes CPW provider qualifications for doulas and community health workers. The adoption also updates the CPW rules with appropriate references and terminology and includes organizational and minor editing changes for clarity.

COMMENTS

The 31-day comment period ended March 24, 2025.

During this period, HHSC did not receive any comments regarding the proposed rules.

SUBCHAPTER A. GENERAL PROVISIONS

26 TAC §257.1, §257.3

STATUTORY AUTHORITY

The new sections are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §531.033, which authorizes the Executive Commissioner of HHSC to adopt rules as necessary to carry out the commission's duties; and Human Resources Code §32.021 and Texas Government Code §531.021(a), which authorize HHSC to administer the federal medical assistance (Medicaid) program.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TRD-202501592

Karen Ray

Chief Counsel

Health and Human Services Commission

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For further information, please call: (737) 395-1786

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SUBCHAPTER B. CLIENT SERVICES

26 TAC §§257.5, 257.7, 257.9, 257.11

STATUTORY AUTHORITY

The new sections are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §531.033, which authorizes the Executive Commissioner of HHSC to adopt rules as necessary to carry out the commission's duties; and Human Resources Code §32.021 and Texas Government Code §531.021(a), which authorize HHSC to administer the federal medical assistance (Medicaid) program.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Karen Ray

Chief Counsel

Health and Human Services Commission

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SUBCHAPTER C. PROVIDER QUALIFICATIONS AND RESPONSIBILITIES

26 TAC §§257.15, 257.17, 257.19, 257.21, 257.23

STATUTORY AUTHORITY

The new sections are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §531.033, which authorizes the Executive Commissioner of HHSC to adopt rules as necessary to carry out the commission's duties; and Human Resources Code §32.021 and Texas Government Code §531.021(a), which authorize HHSC to administer the federal medical assistance (Medicaid) program.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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