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Date: January 29, 2026
To: Chairman Gleeson and Commissioners
Submitted via online portal.
From: Kamil Cook and Kaiba White, Public Citizen, kcook@citizen.org and kwhite@citizen.org, 512-477-1155
Re: Texas Backup Power Program docket 59024

On behalf of 30,000 members and supporters in Texas, Public Citizen appreciates the opportunity to provide comments to the Public Utility Commission of Texas relating to Docket #59024 and the Texas Backup Power Program (TBPP).

Executive Summary from Public Citizen:

- A cost-sharing of 10% should be required of for-profit entities. Cost-sharing is not recommended for non-profit and government entities.
- Add pharmacies and all grocery stores to the list of critical facilities
- Allow entities to calculate their critical load to use for calculating back-up system requirements
- Require a minimum of12 hours of battery backup for critical loads
- Allow for systems that can't recharge from solar in 6 hours if on-site space is not available
- Allow ERCOT to call on TBPP awardees during grid emergencies to use their backup power on-site to reduce total load on the grid.
- Allow TBPP installations to supplement existing back-up power systems, where need is demonstrated
- Encourage projects that serve Texans who are under the poverty line.

Question 1: Should the commission require TBPP awardees to contribute a dollar amount towards the total TBPP cost as a condition of the award of a loan or a grant (the "cost-share")? If yes, what is an appropriate cost-share amount for the applicant? Should the cost-share be expressed in nominal dollars, on a dollar-per kilowatt basis, or some other metric?

Cost-sharing would help ensure that awardees make a full effort to obtain competitive vendor prices. However, nonprofit and governmental entities may not have access to funds to enable a cost share. Therefore, we recommend that for-profit awardees be required to contribute 10% of the total project cost. Non-profit and government entities should not need to cost-share, since profit is not motivating their application and requiring cost-sharing in these sectors may unfairly limit access to back-up power.

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Public Citizen has no comments on Questions 2 & 3.

Additions to the List of Critical Facilities

Section b) 1) C) (ii) should be amended to "a medical facility, **pharmacy**, or facility providing hospice, nursing, assisted living, or end-stage renal disease treatment and dialysis;"

Section b) 1) C) (iv) should be amended to "an evacuation route fuel station or a gas station" and a new subsection to b) 1) C) read "grocery store;"

We recommend including all grocery stores as critical infrastructure. Few grocery stores currently have backup power. Even in areas with good access to grocery stores during normal operating conditions, those areas are still without any access during grid emergencies. Also, deliveries are often interrupted and delayed during grid outages, so having more local supply of food that is able to stay fresh would be beneficial and help avoid shortages.

Identify Critical Loads and Adjust Minimum Battery and Solar Energy Requirements

Section B) 3) a) (vii) should be amended to "be able to produce energy from the battery storage component sufficient to serve the critical facility's **calculated critical load/demand** for **12 hours** and produce energy from photovoltaic panels sufficient to recharge the battery storage component within six hours**, unless the applicant demonstrates a lack of space on the site suitable for solar energy that isn't occupied by trees or other equipment**. "

An additional subsection should be added following section B) 3) a) (vii) that defines calculated critical demand as such:

- **Calculated critical demand is the demand from essential infrastructure that would be running during a grid emergency. This would be self-calculated, and checked by a representative from the PUC, to confirm that all the infrastructure that needs to be powered is essential. Calculated critical demand can be the entire demand of a facility, or may be less, if non-critical loads can be identified.**

Many facilities can reduce energy usage during an emergency by eliminating non-essential activities and equipment. For example, assisted living facilities may have heated pools that can be turned off during emergencies. It's more cost-effective to provide backup power only for what is truly needed during emergencies. Including calculated critical demand allows for more flexibility for facilities as well as wider distribution of funds to more entities.

One hour of battery backup is far too little to require. Even minor local outages often last longer than an hour, and the proposed rule requires each system to be able to provide at least 48 hours

of backup power. We recommend that a minimum of 12 hours of backup of critical load be provided by the battery to ensure that batteries are a substantial contributor to each installation and the program as a whole.

Regarding the recharge time requirement, we recommend including a variance for sites where there may not be sufficient roof space or other space on the property to support sufficient solar to recharge a battery that can back the facility up for 12 hours within 6 hours. If there isn't enough solar to recharge the battery, solar should be maximized on the property without making major adjustments to the property or facility.

Allow ERCOT to Utilize TBPP Installations to Avoid Outages

Section b) 3) B) the following should be added to this section: "**ERCOT may call upon TBPP awardees to use their backup power for onsite use during an Energy Emergency Level 2 or 3, thus reducing total load on the grid."**

Allow for Co-Locating TBPP installations with Existing Solar, Batteries and Generators

Section d) 1) D) should be amended to "Grant or loan funds received under this section must not be used for a facility that installs a source of backup power that does not follow the design and use standards of a TBPP**, unless those noncompliant backup power systems were installed separately from the TBPP project. Sites with existing backup power systems must demonstrate that the additional capacity proposed for the TBPP is needed to meet critical loads, even with the existing system(s).**

Sites with existing onsite batteries and solar should not be excluded from receiving TBPP funding to supplement those systems if there is a demonstrated need.

Include considerations for historically under-invested areas

Section f) 2) A) should amended to include a section (viii) "**the facility's ability to serve low-income residents. Facilities that serve predominately low-income residents or are located in a community where more than 20 percent of residents are living below the federal poverty line will receive priority.**"

Facilities serving low-income residents may be less well equipped to respond to grid emergencies or invest in backup power for the community's benefit and should therefore be prioritized in the TBPP.