
SENATE COMMITTEE AMENDMENTS

2026 Regular Session

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 490 by Senator Hensgens

1 AMENDMENT NO. 1

2 On page 1, line 17, delete "used primarily to serve" and insert "primarily dedicated to
3 serving"

4 AMENDMENT NO. 2

5 On page 2, delete lines 6 through 9 and insert:

6 "(3) "Primarily dedicated" means that, measured on a rolling twelve-
7 month basis, and notwithstanding deviations resulting from scheduled
8 maintenance, force majeure, customer commissioning, or customer ramp-up,
9 at least fifty percent of either the annual net electrical energy output of the
10 private use electrical network, or the contract nameplate capacity of the
11 network, is committed to serving one or more identified load customers under
12 a written agreement with an initial term of five years or greater.

13 B. For purposes of this Section, retail sale of electricity shall not include
14 the delivery or sale of electricity from a private use electrical network, or its
15 owner or operator, to an identified load customer that is served by that
16 network, regardless of the form of the commercial arrangement, including
17 without limitation a power purchase agreement, energy services agreement,
18 lease, tolling agreement, or affiliate transaction.

19 C. A private use electrical network shall not be deemed a public utility.
20 The owner or operator thereof shall not be subject to regulation by the
21 Louisiana Public Service Commission as a public utility and shall not be subject
22 to any exclusive retail franchise, certificated service territory, or retail service
23 right of any electric public utility, electric cooperative, or municipal electric
24 provider, solely because the network satisfies one or more of the following:"

25 AMENDMENT NO. 3

26 On page 2, line 16, after "ancillary service," insert "capacity market,"

27 AMENDMENT NO. 4

28 On page 2, between lines 18 and 19, insert:

29 "D. Participation by a private use electrical network in any wholesale
30 market, ancillary service, capacity market, emergency service, or reliability
31 program administered by the Midcontinent Independent System Operator or
32 any successor regional transmission organization shall not cause the network,
33 its output, or any portion thereof to be characterized as a public utility service
34 or retail sale."

35 AMENDMENT NO. 5

36 On page 2, line 19, change "C." to "E."

37 AMENDMENT NO. 6

38 On page 2, line 22, change "D." to "F."

39 AMENDMENT NO. 7

40 On page 2, line 25, change "E." to "G."

1 AMENDMENT NO. 8

2 On page 2, between lines 27 and 28, insert:

3 "H. Upon receipt of a complete interconnection application from a
4 private use electrical network for backup, standby, reliability, or export service,
5 the interconnecting electric utility shall complete all required interconnection
6 studies and execute an interconnection agreement within one hundred eighty
7 days. Failure by the utility to act within such period shall entitle the applicant
8 to petition the commission for an order compelling interconnection on just and
9 reasonable terms.

10 I. A declaration of nonjurisdiction issued by the commission pursuant
11 to this Section, or deemed issued pursuant to Subsection K of this Section, shall
12 be binding on the commission and all parties, shall not be subject to collateral
13 attack, and shall survive any subsequent change in the ownership, financing,
14 affiliate structure, or customer identity of the private use electrical network,
15 provided that the private use electrical network continues to satisfy the
16 definition set forth in Paragraph (A)(1) of this Section and remains primarily
17 dedicated to serving one or more identified load customers. The commission
18 may revoke such declaration only upon a finding, after notice and hearing, that
19 the network no longer satisfies these requirements.

20 J. An applicant for a declaration of nonjurisdiction under this Section
21 may request confidential treatment of the identity of any identified load
22 customer prior to public announcement of the project and may request power
23 purchase agreement pricing and commercial terms submitted in support of the
24 application. The commission shall grant such requests upon a showing that
25 public disclosure would cause competitive harm to the applicant or its customer.
26 The commission shall not publicly disclose information granted confidential
27 treatment under this Subsection."

28 AMENDMENT NO. 9

29 On page 2, delete lines 28 and 29 and on page 3, delete lines 1 through 8 and insert:

30 "K. The Louisiana Public Service Commission shall adopt rules in
31 accordance with the provisions of this Section no later than one hundred eighty
32 days after the effective date of this Act, that shall include but not be limited to:

33 (1) An expedited process for issuance of a declaration of nonjurisdiction
34 for a private use electrical network.

35 (2) A requirement that the commission issue a determination within
36 thirty days of receipt of a complete application, which shall be deemed approved
37 if the commission fails to act within such period.

38 (3) Nondiscriminatory tariffs and interconnection procedures for
39 backup, standby, maintenance, and export service for a private use electrical
40 network."

41 AMENDMENT NO. 10

42 On page 3, line 9, change "Section 3." to "Section 2."