



(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Public Utility Regulatory Policies Act of 1978 to add a standard related to State consideration of reliable generation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Public Utility Regulatory Policies Act of 1978 to add a standard related to State consideration of reliable generation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “State Planning for Re-
5 liability and Affordability Act”.

1 **SEC. 2. STATE CONSIDERATION OF RELIABLE GENERA-**
2 **TION.**

3 (a) IN GENERAL.—Section 111(d) of the Public Util-
4 ity Regulatory Policies Act of 1978 (16 U.S.C. 2621(d))
5 is amended by adding at the end the following:

6 “(22) ENSURING ELECTRIC RELIABILITY WITH
7 RELIABLE GENERATION FACILITIES.—

8 “(A) IN GENERAL.—Each electric utility
9 that employs integrated resource planning shall
10 establish, as part of such integrated resource
11 planning, measures, sufficient to ensure the re-
12 liable availability of electric energy over a 10-
13 year period, to maintain—

14 “(i) the operation of reliable genera-
15 tion facilities; or

16 “(ii) the procurement of electric en-
17 ergy from reliable generation facilities.

18 “(B) RELIABLE GENERATION FACILITY
19 DEFINED.—In this paragraph, the term ‘reli-
20 able generation facility’ means an electric gen-
21 eration facility that ensures the reliable avail-
22 ability of electric energy by—

23 “(i) having operational characteristics
24 to enable the generation of electric energy
25 on a continuous basis for a period of not
26 fewer than 30 days;

1 “(ii) having—

2 “(I) adequate fuel, or a continu-
3 ously available energy source, on-site
4 to enable the generation of electric en-
5 ergy on a continuous basis for a pe-
6 riod of not fewer than 30 days; or

7 “(II) contractual obligations that
8 ensure adequate fuel supply to achieve
9 the generation of electric energy on a
10 continuous basis for a period of not
11 fewer than 30 days;

12 “(iii) having operational characteris-
13 tics to enable the generation of electric en-
14 ergy during emergency and severe weather
15 conditions; and

16 “(iv) providing essential services re-
17 lated to the reliable availability of electric
18 energy, including frequency support and
19 voltage support.”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) OBLIGATIONS TO CONSIDER AND DETER-
22 MINE.—Section 112 of the Public Utility Regulatory
23 Policies Act of 1978 (16 U.S.C. 2622) is amended—

24 (A) in subsection (b), by adding at the end
25 the following:

1 “(9)(A) Not later than 1 year after the date of
2 enactment of this paragraph, each State regulatory
3 authority (with respect to each electric utility for
4 which the State has ratemaking authority) and each
5 nonregulated utility shall commence consideration
6 under section 111, or set a hearing date for consid-
7 eration, with respect to the standard established by
8 paragraph (22) of section 111(d).

9 “(B) Not later than 2 years after the date of
10 enactment of this paragraph, each State regulatory
11 authority (with respect to each electric utility for
12 which the State has ratemaking authority), and each
13 nonregulated electric utility shall complete the con-
14 sideration and make the determination under section
15 111 with respect to the standard established by
16 paragraph (22) of section 111(d).”;

17 (B) in subsection (c)—

18 (i) by striking “subsection (b)(2)” and
19 inserting “subsection (b)”; and

20 (ii) by inserting “In the case of the
21 standard established by paragraph (22) of
22 section 111(d), the reference contained in
23 this subsection to the date of enactment of
24 this Act shall be deemed to be a reference

1 to the date of enactment of that paragraph
2 (22).” after “paragraph (21).”; and
3 (C) by adding at the end the following:

4 “(i) OTHER PRIOR STATE ACTIONS.—Subsections
5 (b) and (c) shall not apply to the standard established by
6 paragraph (22) of section 111(d) in the case of any elec-
7 tric utility in a State if, before the date of enactment of
8 this subsection—

9 “(1) the State has implemented for the electric
10 utility the standard (or a comparable standard);

11 “(2) the State regulatory authority for the
12 State or the relevant nonregulated electric utility has
13 conducted a proceeding to consider implementation
14 of the standard (or a comparable standard) for the
15 electric utility; or

16 “(3) the State legislature has voted on the im-
17 plementation of the standard (or a comparable
18 standard) for the electric utility during the 3-year
19 period ending on that date of enactment.”.

20 (2) PRIOR AND PENDING PROCEEDINGS.—Sec-
21 tion 124 of the Public Utility Regulatory Policies
22 Act of 1978 (16 U.S.C. 2634) is amended by insert-
23 ing “In the case of the standard established by para-
24 graph (22) of section 111(d), the reference con-
25 tained in this section to the date of enactment of

1 this Act shall be deemed to be a reference to the
2 date of enactment of that paragraph (22).” after
3 “paragraph (21).”.