

118TH CONGRESS
2D SESSION

H. R. 10019

To amend the Public Utility Regulatory Policies Act of 1978 to require States to consider prohibiting cost recovery related to smart grid projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2024

Mr. VAN DREW introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Utility Regulatory Policies Act of 1978 to require States to consider prohibiting cost recovery related to smart grid projects, 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. SMART GRID COST RECOVERY.**

4 (a) CONSIDERATION AND DETERMINATION RESPECT-
5 ING CERTAIN RATEMAKING STANDARDS.—

6 (1) REPEAL.—Section 111(d)(18)(B) of the
7 Public Utility Regulatory Policies Act of 1978 (16
8 U.S.C. 2621(d)(18)(B)) is repealed.

1 (2) ESTABLISHMENT.—Section 111(d) of the
2 Public Utility Regulatory Policies Act of 1978 (16
3 U.S.C. 2621(d)) is amended by adding at the end
4 the following:

5 “(22) PROHIBITION ON RATE RECOVERY FOR
6 SMART GRID INVESTMENTS.—No electric utility may
7 recover from ratepayers any capital, operating ex-
8 penditure, or other costs of the electric utility relat-
9 ing to the deployment of any smart grid system.”.

10 (b) OBLIGATIONS TO CONSIDER AND DETERMINE.—

11 (1) TIME LIMITATIONS.—Section 112(b) of the
12 Public Utility Regulatory Policies Act of 1978 (16
13 U.S.C. 2622(b)) is amended by adding at the end
14 the following:

15 “(8)(A) Not later than 1 year after the date of
16 enactment of this paragraph, each State regulatory
17 authority (with respect to each electric utility for
18 which the State has ratemaking authority) and each
19 nonregulated utility shall commence consideration
20 under section 111, or set a hearing date for consid-
21 eration, with respect to the standard established by
22 paragraph (22) of section 111(d).

23 “(B) Not later than 2 years after the date of
24 enactment of this paragraph, each State regulatory
25 authority (with respect to each electric utility for

1 which the State has ratemaking authority), and each
2 nonregulated electric utility shall complete the con-
3 sideration and make the determination under section
4 111 with respect to the standard established by
5 paragraph (22) of section 111(d).”.

6 (2) FAILURE TO COMPLY.—Section 112(c) of
7 the Public Utility Regulatory Policies Act of 1978
8 (16 U.S.C. 2622(c)) is amended by adding at the
9 end the following: “In the case of the standard es-
10 tablished by paragraph (22) of section 111(d), the
11 reference contained in this subsection to the date of
12 enactment of this Act shall be deemed to be a ref-
13 erence to the date of enactment of that paragraph
14 (22).”.

15 (3) PRIOR STATE ACTIONS.—Section 112 of the
16 Public Utility Regulatory Policies Act of 1978 (16
17 U.S.C. 2622) is amended by adding at the end the
18 following:

19 “(i) PRIOR STATE ACTIONS.—Subsections (b) and
20 (c) shall not apply to the standard established by para-
21 graph (22) of section 111(d) in the case of any electric
22 utility in a State if, before the date of enactment of this
23 subsection—

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

1 “(2) the State regulatory authority for the
2 State or the relevant nonregulated electric utility has
3 conducted a proceeding to consider implementation
4 of the standard (or a comparable standard) for the
5 electric utility; or

6 “(3) the State legislature has voted on the im-
7 plementation of the standard (or a comparable
8 standard) for the electric utility during the 3-year
9 period ending on that date of enactment.”.

10 (c) PRIOR AND PENDING PROCEEDINGS.—Section
11 124 of the Public Utility Regulatory Policies Act of 1978
12 (16 U.S.C. 2634) is amended by adding at the end the
13 following: “In the case of the standard established by
14 paragraph (22) of section 111(d), the reference contained
15 in this section to the date of enactment of this Act shall
16 be deemed to be a reference to the date of enactment of
17 that paragraph (22).”.

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