

117TH CONGRESS
1ST SESSION

S. 2637

To amend the Public Utility Regulatory Policies Act of 1978 to require the consideration of a standard requiring electric utilities to offer community solar programs to ratepayers.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2021

Mr. LUJÁN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Public Utility Regulatory Policies Act of 1978 to require the consideration of a standard requiring electric utilities to offer community solar programs to ratepayers.

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 “Establishment of Com-
5 munity Solar Programs Act of 2021”.

1 **SEC. 2. ESTABLISHMENT OF COMMUNITY SOLAR PRO-**
 2 **GRAMS.**

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 “(20) COMMUNITY SOLAR PROGRAMS.—

7 “(A) DEFINITIONS.—In this paragraph:

8 “(i) COMMUNITY SOLAR FACILITY.—

9 The term ‘community solar facility’ means
 10 a solar power generating photovoltaic sys-
 11 tem (including any related onsite equip-
 12 ment, such as 1 or more energy storage
 13 devices) that—

14 “(I) has multiple subscribers who
 15 receive financial benefits directly at-
 16 tributable to the system;

17 “(II) is connected to a local dis-
 18 tribution circuit of the electric utility;

19 “(III) is located either on or off
 20 the property of the applicable electric
 21 consumers; and

22 “(IV) may be owned by an elec-
 23 tric utility, an electric consumer, or a
 24 third party.

25 “(ii) COMMUNITY SOLAR PROGRAM.—

26 The term ‘community solar program’

1 means a service provided by an electric
2 utility to an electric consumer served by
3 the electric utility through which the full
4 value of electricity generated by a commu-
5 nity solar facility may be used to offset
6 charges billed to the electric consumer by
7 the electric utility.

8 “(B) STANDARD.—

9 “(i) NON-TRIBAL UTILITIES.—Each
10 electric utility that is not a Tribal utility
11 shall offer a community solar program to
12 which all ratepayers of the electric utility,
13 including low-income ratepayers, have equi-
14 table and demonstrable access.

15 “(ii) TRIBAL UTILITIES.—

16 “(I) IN GENERAL.—A Tribal util-
17 ity may offer a community solar pro-
18 gram.

19 “(II) RESOURCES.—A Tribal
20 utility that offers a community solar
21 program may leverage the resources
22 made available to the Tribal utility
23 under this Act to carry out that com-
24 munity solar program.”.

25 (b) COMPLIANCE.—

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

5 “(7)(A) Not later than 1 year after the date of
6 enactment of this paragraph, each State regulatory
7 authority (with respect to each electric utility for
8 which the State has ratemaking authority) and each
9 nonregulated electric utility shall commence consid-
10 eration under section 111, or set a hearing date for
11 consideration, with respect to the standard estab-
12 lished by paragraph (20) of section 111(d).

13 “(B) Not later than 2 years after the date of
14 enactment of this paragraph, each State regulatory
15 authority (with respect to each electric utility for
16 which the State has ratemaking authority), and each
17 nonregulated electric utility shall complete the con-
18 sideration and make the determination under section
19 111 with respect to the standard established by
20 paragraph (20) of section 111(d).”.

21 (2) FAILURE TO COMPLY.—

22 (A) IN GENERAL.—Section 112(c) of the
23 Public Utility Regulatory Policies Act of 1978
24 (16 U.S.C. 2622(c)) is amended—

1 (i) by striking “such paragraph (14)”
2 and all that follows through “paragraphs
3 (16)” and inserting “such paragraph (14).
4 In the case of the standard established by
5 paragraph (15) of section 111(d), the ref-
6 erence contained in this subsection to the
7 date of enactment of this Act shall be
8 deemed to be a reference to the date of en-
9 actment of that paragraph (15). In the
10 case of the standards established by para-
11 graphs (16)”; and

12 (ii) by adding at the end the fol-
13 lowing: “In the case of the standard estab-
14 lished by paragraph (20) of section 111(d),
15 the reference contained in this subsection
16 to the date of enactment of this Act shall
17 be deemed to be a reference to the date of
18 enactment of that paragraph (20).”.

19 (B) TECHNICAL CORRECTION.—

20 (i) IN GENERAL.—Section 1254(b) of
21 the Energy Policy Act of 2005 (Public
22 Law 109–58; 119 Stat. 971) is amended—

23 (I) by striking paragraph (2);

24 and

1 (II) by redesignating paragraph
2 (3) as paragraph (2).

3 (ii) TREATMENT.—The amendment
4 made by paragraph (2) of section 1254(b)
5 of the Energy Policy Act of 2005 (Public
6 Law 109–58; 119 Stat. 971) (as in effect
7 on the day before the date of enactment of
8 this Act) is void, and section 112(d) of the
9 Public Utility Regulatory Policies Act of
10 1978 (16 U.S.C. 2622(d)) shall be in ef-
11 fect as if that amendment had not been en-
12 acted.

13 (3) PRIOR STATE ACTIONS.—

14 (A) IN GENERAL.—Section 112 of the
15 Public Utility Regulatory Policies Act of 1978
16 (16 U.S.C. 2622) is amended by adding at the
17 end the following:

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

23 “(1) the State has implemented for the electric
24 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.”.

9 (B) CROSS-REFERENCE.—Section 124 of
10 the Public Utility Regulatory Policies Act of
11 1978 (16 U.S.C. 2634) is amended—

12 (i) by striking “this subsection” each
13 place it appears and inserting “this sec-
14 tion”; and

15 (ii) by adding at the end the fol-
16 lowing: “In the case of the standard estab-
17 lished by paragraph (20) of section 111(d),
18 the reference contained in this section to
19 the date of enactment of this Act shall be
20 deemed to be a reference to the date of en-
21 actment of that paragraph (20).”.

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