

111TH CONGRESS  
1ST SESSION

# H. R. 4149

To amend the Internal Revenue Code of 1986 to provide a renewable electricity integration credit for a utility that purchases or produces renewable power.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2009

Ms. MARKEY of Colorado (for herself and Mr. PAULSEN) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to provide a renewable electricity integration credit for a utility that purchases or produces renewable power.

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. RENEWABLE ELECTRICITY INTEGRATION**  
4 **CREDIT.**

5 (a) IN GENERAL.—Subpart D of part IV of sub-  
6 chapter A of chapter 1 of the Internal Revenue Code of  
7 1986 is amended by adding at the end the following new  
8 section:

1 **“SEC. 45R. RENEWABLE ELECTRICITY INTEGRATION CRED-**2 **IT.**

3 “(a) GENERAL RULE.—For purposes of section 38,  
4 the renewable electricity integration credit for any taxable  
5 year is an amount equal to the product of—

6 “(1) the intermittent renewable portfolio factor  
7 of an eligible taxpayer, multiplied by

8 “(2) the number of kilowatt hours of renewable  
9 electricity purchased or produced by such taxpayer  
10 and sold by such taxpayer to an unrelated person  
11 during the taxable year.

12 “(b) INTERMITTENT RENEWABLE PORTFOLIO FAC-  
13 TOR.—The intermittent renewable portfolio factor for an  
14 eligible taxpayer shall be determined as follows:

<b>“In the case of an eligible taxpayer whose intermittent renewable electricity percentage is:</b>	<b>For taxable years beginning before 2012, the intermittent renewable portfolio factor is:</b>	<b>For taxable years beginning in or after 2012, the intermittent renewable portfolio factor is:</b>
Less than 4 percent .....	0 cents .....	0 cents
At least 4 percent but less than 8 percent.	0.10 cents .....	0 cents
At least 8 percent but less than 12 percent.	0.20 cents .....	0.20 cents
At least 12 percent but less than 16 percent.	0.30 cents .....	0.30 cents
At least 16 percent but less than 20 percent.	0.40 cents .....	0.40 cents
At least 20 percent but less than 24 percent.	0.50 cents .....	0.50 cents
Equal to or greater than 24 percent.	0.60 cents .....	0.60 cents

15 “(c) DEFINITIONS.—For purposes of this section—

16 “(1) ELIGIBLE TAXPAYER.—The term ‘eligible  
17 taxpayer’ means an electric utility (as defined in sec-

1 tion 3(22) of the Federal Power Act (16 U.S.C.  
2 796(22)).

3 “(2) RENEWABLE ELECTRICITY.—The term ‘re-  
4 newable electricity’ means electricity generated by—

5 “(A) a facility using wind to produce such  
6 electricity, and

7 “(B) a facility using solar energy to gen-  
8 erate such electricity.

9 “(3) INTERMITTENT RENEWABLE ELECTRICITY  
10 PERCENTAGE.—The term ‘intermittent renewable  
11 electricity percentage’ means the percentage of an  
12 electric utility’s total sales to retail load customers  
13 that is derived from renewable electricity, whether  
14 purchased or produced by the taxpayer.”.

15 (b) CREDIT MADE PART OF GENERAL BUSINESS  
16 CREDIT.—Subsection (b) of section 38 of such Code is  
17 amended—

18 (1) by striking “plus” at the end of paragraph  
19 (34),

20 (2) by striking the period at the end of para-  
21 graph (35) and inserting “, plus”, and

22 (3) by adding at the end the following new  
23 paragraph:

24 “(36) the renewable electricity integration cred-  
25 it determined under section 45R(a).”.

1 (c) SPECIFIED CREDIT.—Subparagraph (B) of sec-  
2 tion 38(c)(4) of such Code is amended—

3 (1) by striking “and” at the end of clause (vii),

4 (2) by striking the period at the end of clause  
5 (viii), and inserting “, and”, and

6 (3) by adding at the end the following new  
7 clause:

8 “(ix) the credit determined under sec-  
9 tion 45R.”.

10 (d) CLERICAL AMENDMENT.—The table of sections  
11 for subpart D of part IV of subchapter A of chapter 1  
12 of such Code is amended by adding at the end the fol-  
13 lowing new item:

“Sec. 45R. Renewable electricity integration credit.”.

14 (e) EFFECTIVE DATE.—The amendments made by  
15 this section shall apply to electricity produced or pur-  
16 chased after December 31, 2009.

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