

111TH CONGRESS
2^D SESSION

H. R. 5423

To amend the Public Utility Regulatory Policies Act of 1978 to provide
for an annual electric production cost report.

IN THE HOUSE OF REPRESENTATIVES

MAY 27, 2010

Mr. FOSTER (for himself, Mr. BARTLETT, and Mr. EHLERS) 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 provide for an annual electric production cost report.

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 “Transparent Review
5 of the Affordability and Cost of Electricity (TRACE) Re-
6 newable Energy Act of 2010”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Federal energy-specific subsidies and sup-
10 port to all forms of energy were estimated to be

1 \$16.6 billion in 2007, indicating that total Federal
2 energy subsidies have more than doubled over the
3 previous ten years, according to the Federal Finan-
4 cial Interventions and Subsidies in Energy Markets
5 2007 report by the Energy Information Administra-
6 tion.

7 (2) Research, development, and installation of
8 renewable and other low-emission technologies for
9 electric power generation have been a high priority
10 for the 110th and 111th Congresses.

11 (3) There is a growing need for accurate report-
12 ing on the costs associated with each form of alter-
13 native energy generation technology because of the
14 significant Federal action and investment in such
15 technology.

16 (4) The costs associated with alternative energy
17 generation technology should be analyzed and made
18 available to assess the ability of each new technology
19 to compete in the marketplace, without Federal sub-
20 sidy or support, and to optimize the deployment of
21 such technology.

22 (5) The Energy Information Administration has
23 previously created forms and guidelines to collect the
24 necessary information for such reporting and has
25 collected information for several years; however, the

1 program ended due to funding constraints and the
2 lack of an authorization from Congress.

3 **SEC. 3. ELECTRIC PRODUCTION COST REPORT.**

4 Title II of the Public Utility Regulatory Policies Act
5 of 1978 is amended by adding after section 214 (16
6 U.S.C. 824 note) the following:

7 **“SEC. 215. ELECTRIC PRODUCTION COST REPORT.**

8 “(a) **ELECTRICITY REPORT.**—The Secretary, acting
9 through the Administrator of the Energy Information Ad-
10 ministration (in this section referred to as the ‘Adminis-
11 trator’), shall prepare and publish an annual report, at
12 the times specified in subsection (c), setting forth the costs
13 of electricity production per kilowatt hour, by sector and
14 energy source, for each type of electric energy generation.
15 The report shall include each of the following for the pe-
16 riod covered by the report:

17 “(1) The quantity of carbon dioxide emitted per
18 kilowatt hour.

19 “(2) The cost of electricity generation in cents
20 per kilowatt hour, or dollars per megawatt hour, for
21 each type of electric energy generation in the United
22 States.

23 “(3) The factors used to levelize costs, includ-
24 ing amortized capital costs, current and projected

1 fuel costs, regular operation and maintenance, pro-
2 jected equipment, and hardware lifetimes.

3 “(4) The costs for constructing new electric
4 transmission lines dedicated to, or intended specifi-
5 cally to benefit, electric generation facilities in each
6 sector and for each energy source, to the extent
7 practicable.

8 “(b) COLLECTION AND USE OF DATA.—

9 “(1) DATA COLLECTION.—The Administrator
10 shall collect data and use all currently available data
11 necessary to complete the report under subsection
12 (a). Such data may be collected from any electric
13 utility, including public utilities, independent power
14 producers, cogenerating and qualified facilities, and
15 all State, local, and federally owned power pro-
16 ducers.

17 “(2) COOPERATION OF OTHER AGENCIES.—The
18 heads of other Federal departments, agencies, and
19 instrumentalities of the United States shall assist
20 with the collection of data as necessary to complete
21 the report under subsection (a), including the Chair-
22 man of the Federal Energy Regulatory Commission,
23 the Administrator of the Rural Utilities Service, the
24 Director of the Minerals Management Service, and

1 the Administrator of the Environmental Protection
2 Agency.

3 “(c) ISSUANCE OF REPORTS.—

4 “(1) REPORTS FOR DATA PREVIOUSLY COL-
5 LECTED.—As soon as practicable, the Administrator
6 shall prepare and publish reports containing the in-
7 formation specified in subsection (a) for each year
8 for which the data was collected before the date of
9 the enactment of this section.

10 “(2) ANNUAL REPORTS.—

11 “(A) FIRST REPORT.—For the year 2012,
12 the Administrator shall collect all necessary
13 data for the completion of the report under sub-
14 section (a) by January 31, 2013, and shall
15 issue the report based on that data by June 30,
16 2013.

17 “(B) SUBSEQUENT ANNUAL REPORTS.—

18 For each year after 2012, the Administrator
19 shall collect all necessary data for the comple-
20 tion of the report under subsection (a) by Janu-
21 ary 31 of the year following the year for which
22 the data was collected, and shall issue the re-
23 port based on that data not later than April 30
24 of the year following the year for which the
25 data was collected.

1 “(d) REVIEW OF ELECTRICITY REPORT.—Following
2 the completion of each report under subsection (a), the
3 Administrator may review the findings with organizations
4 that have expertise in the energy industry and dem-
5 onstrated experience generating similar industry reports,
6 for the purpose of improving the utility, accuracy, and
7 timeliness of future reports.”.

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