

114TH CONGRESS
1ST SESSION

S. 1723

To amend the Public Utility Regulatory Policies Act of 1978 to promote safe and reliable interconnection and net billing for community solar facilities.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2015

Mr. HEINRICH 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 promote safe and reliable interconnection and net billing for community solar facilities.

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 “Promoting Renewable
5 Energy with Shared Solar Act of 2015”.

1 **SEC. 2. PROVISION OF INTERCONNECTION SERVICE AND**
2 **NET BILLING SERVICE FOR COMMUNITY**
3 **SOLAR FACILITIES.**

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

7 “(20) COMMUNITY SOLAR FACILITIES.—

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

9 “(i) COMMUNITY SOLAR FACILITY.—

10 The term ‘community solar facility’ means
11 a solar photovoltaic system that—

12 “(I) allocates electricity to mul-
13 tiple individual electric consumers of
14 an electric utility;

15 “(II) has a nameplate rating of 2
16 megawatts or less; and

17 “(III) is—

18 “(aa) owned by the electric
19 utility, jointly owned, or third-
20 party-owned;

21 “(bb) connected to a local
22 distribution facility of the electric
23 utility; and

24 “(cc) located on or off the
25 property of a consumer of the
26 electricity.

1 “(ii) INTERCONNECTION SERVICE.—

2 The term ‘interconnection service’ means a
3 service provided by an electric utility to an
4 electric consumer, in accordance with the
5 standards described in paragraph (15),
6 through which a community solar facility is
7 connected to an applicable local distribu-
8 tion facility.

9 “(iii) NET BILLING SERVICE.—The
10 term ‘net billing service’ means a service
11 provided by an electric utility to an electric
12 consumer through which electric energy
13 generated for that electric consumer from
14 a community solar facility may be used to
15 offset electric energy provided by the elec-
16 tric utility to the electric consumer during
17 the applicable billing period.

18 “(B) REQUIREMENT.—On receipt of a re-
19 quest of an electric consumer served by the
20 electric utility, each electric utility shall make
21 available to the electric consumer interconnec-
22 tion service and net billing service for a commu-
23 nity solar facility.”.

24 (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 utility shall commence consideration
10 under section 111, or set a hearing date for consid-
11 eration, with respect to the standard established by
12 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 by striking paragraph (2).

24 (ii) TREATMENT.—The amendment
25 made by paragraph (2) of section 1254(b)

1 of the Energy Policy Act of 2005 (Public
2 Law 109–58; 119 Stat. 971) (as in effect
3 on the day before the date of enactment of
4 this Act) is void, and section 112(d) of the
5 Public Utility Regulatory Policies Act of
6 1978 (16 U.S.C. 2622(d)) shall be in ef-
7 fect as if those amendments had not been
8 enacted.

9 (3) PRIOR STATE ACTIONS.—

10 (A) IN GENERAL.—Section 112 of the
11 Public Utility Regulatory Policies Act of 1978
12 (16 U.S.C. 2622) is amended by adding at the
13 end the following:

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

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

21 “(2) the State regulatory authority for the
22 State or the relevant nonregulated electric utility has
23 conducted a proceeding to consider implementation
24 of the standard (or a comparable standard) for the
25 electric utility; or

1 “(3) the State legislature has voted on the im-
2 plementation of the standard (or a comparable
3 standard) for the electric utility.”.

4 (B) CROSS-REFERENCE.—Section 124 of
5 the Public Utility Regulatory Policy Act of
6 1978 (16 U.S.C. 2634) is amended by adding
7 at the end the following: “In the case of the
8 standard established by paragraph (20) of sec-
9 tion 111(d), the reference contained in this sub-
10 section to the date of enactment of this Act
11 shall be deemed to be a reference to the date
12 of enactment of that paragraph (20).”.

○