

118TH CONGRESS
2D SESSION

S. 5259

To require the Secretary of Energy to establish a program to increase participation in community solar programs and the receipt of associated benefits, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

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

A BILL

To require the Secretary of Energy to establish a program to increase participation in community solar programs and the receipt of associated benefits, 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. SHORT TITLE.**

4 This Act may be cited as the “Community Solar Con-
5 sumer Choice Act of 2024”.

1 **SEC. 2. COMMUNITY SOLAR CONSUMER CHOICE PROGRAM;**
 2 **FEDERAL GOVERNMENT PARTICIPATION IN**
 3 **COMMUNITY SOLAR.**

4 (a) DEFINITIONS.—In this section:

5 (1) COMMUNITY SOLAR FACILITY; COMMUNITY
 6 SOLAR PROGRAM; SUBSCRIBER.—The terms “com-
 7 munity solar facility”, “community solar program”,
 8 and “subscriber” have the meanings given those
 9 terms in paragraph (22)(A) of section 111(d) of the
 10 Public Utility Regulatory Policies Act of 1978 (16
 11 U.S.C. 2621(d)).

12 (2) NATIONAL LABORATORY.—The term “Na-
 13 tional Laboratory” has the meaning given the term
 14 in section 2 of the Energy Policy Act of 2005 (42
 15 U.S.C. 15801).

16 (3) SECRETARY.—The term “Secretary” means
 17 the Secretary of Energy.

18 (b) ESTABLISHMENT OF COMMUNITY SOLAR CON-
 19 SUMER CHOICE PROGRAM.—

20 (1) IN GENERAL.—Not later than 1 year after
 21 the date of enactment of this Act, the Secretary
 22 shall establish a program to increase access to com-
 23 munity solar programs for—

24 (A) individuals, particularly individuals
 25 that do not have regular access to onsite solar,
 26 including low- and moderate-income individuals;

- 1 (B) businesses;
- 2 (C) nonprofit organizations; and
- 3 (D) States and local and Tribal govern-
- 4 ments.

5 (2) ALIGNMENT WITH EXISTING FEDERAL PRO-

6 GRAMS.—The Secretary shall align the program es-

7 tablished under paragraph (1) with existing Federal

8 programs that serve low-income communities.

9 (3) ASSISTANCE TO STATE, LOCAL, AND TRIBAL

10 GOVERNMENTS.—In carrying out the program estab-

11 lished under paragraph (1), the Secretary shall—

12 (A) provide technical assistance to State,

13 local, and Tribal governments, and other enti-

14 ties, for projects to increase access to commu-

15 nity solar programs;

16 (B) assist State, local, and Tribal govern-

17 ments in the development of new and innovative

18 financial and business models, including afford-

19 able rate structures, that leverage competition

20 in the energy marketplace in order to serve sub-

21 scribers; and

22 (C) use National Laboratories to collect

23 and disseminate data to assist private entities

24 in the financing of, subscription to, and oper-

1 ation of community solar facilities and commu-
2 nity solar programs.

3 (c) FEDERAL GOVERNMENT PARTICIPATION IN COM-
4 MUNITY SOLAR PROGRAMS.—The Secretary, to the extent
5 practicable, shall expand the existing grant, loan, and fi-
6 nancing programs of the Department of Energy to include
7 community solar programs.

8 **SEC. 3. ESTABLISHMENT OF COMMUNITY SOLAR PRO-**
9 **GRAMS.**

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

13 “(22) COMMUNITY SOLAR PROGRAMS.—

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

15 “(i) COMMUNITY SOLAR FACILITY.—

16 The term ‘community solar facility’ means
17 a solar photovoltaic system that—

18 “(I) allocates electricity to mul-
19 tiple electric consumers served by an
20 electric utility;

21 “(II) is connected to local dis-
22 tribution infrastructure of the electric
23 utility;

1 “(III) is located either on or off
2 the property of 1 or more subscribers;
3 and

4 “(IV) may be owned by an elec-
5 tric utility, 1 more subscribers, or a
6 third party.

7 “(ii) COMMUNITY SOLAR PROGRAM.—
8 The term ‘community solar program’
9 means a service provided by an electric
10 utility to an electric consumer served by
11 the electric utility through which the value
12 of electricity generated by a community
13 solar facility may be used to offset charges
14 billed to the electric consumer by the elec-
15 tric utility.

16 “(iii) SUBSCRIBER.—The term ‘sub-
17 scriber’ means an electric consumer who
18 participates in a community solar program.

19 “(B) STANDARD.—

20 “(i) NON-TRIBAL UTILITIES.—Each
21 electric utility that is not a Tribal utility
22 shall offer a community solar program to
23 which all ratepayers of the electric utility,
24 including low-income ratepayers, have equi-
25 table and demonstrable access.

1 “(ii) TRIBAL UTILITIES.—

2 “(I) IN GENERAL.—A Tribal util-
3 ity may offer a community solar pro-
4 gram.

5 “(II) RESOURCES.—A Tribal
6 utility that offers a community solar
7 program may leverage the resources
8 made available to the Tribal utility
9 under this Act to carry out that com-
10 munity solar program.

11 “(C) OWNERSHIP OF COMMUNITY SOLAR
12 FACILITIES.—A community solar program es-
13 tablished pursuant to this paragraph shall in-
14 clude a mechanism to allow electric utilities,
15 non-utilities, and other appropriate entities to
16 assume complete or partial ownership of rel-
17 evant community solar facilities, as necessary to
18 deliver customer benefits and mitigate the im-
19 pacts of market concentration.

20 “(D) TECHNICAL ASSISTANCE AND OTHER
21 GUIDANCE.—The Secretary shall provide tech-
22 nical assistance and other guidance necessary to
23 carry out a community solar program pursuant
24 to this paragraph, including to State, local, and
25 Tribal governments, as appropriate.”.

1 (b) COMPLIANCE.—

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

5 (A) by indenting paragraphs (4) through
6 (8), and any subparagraphs within those para-
7 graphs, appropriately; and

8 (B) by adding at the end the following:

9 “(9)(A) Not later than 1 year after the date of enact-
10 ment of this paragraph, each State regulatory authority
11 (with respect to each electric utility for which the State
12 has ratemaking authority) and each nonregulated electric
13 utility shall commence consideration under section 111, or
14 set a hearing date for consideration, with respect to the
15 standard established by paragraph (22) of section 111(d).

16 “(B) Not later than 2 years after the date of enact-
17 ment of this paragraph, each State regulatory authority
18 (with respect to each electric utility for which the State
19 has ratemaking authority), and each nonregulated electric
20 utility shall complete the consideration and make the de-
21 termination under section 111 with respect to the stand-
22 ard established by paragraph (22) of section 111(d).”.

23 (2) FAILURE TO COMPLY.—

1 (A) IN GENERAL.—Section 112(c) of the
2 Public Utility Regulatory Policies Act of 1978
3 (16 U.S.C. 2622(c)) is amended—

4 (i) in the first sentence, by striking
5 “subsection (b)(2)” and inserting “sub-
6 section (b)”; and

7 (ii) by adding at the end the fol-
8 lowing: “In the case of the standard estab-
9 lished by paragraph (22) of section 111(d),
10 the reference contained in this subsection
11 to the date of enactment of this Act shall
12 be deemed to be a reference to the date of
13 enactment of that paragraph (22).”.

14 (3) PRIOR STATE ACTIONS.—

15 (A) IN GENERAL.—Section 112 of the
16 Public Utility Regulatory Policies Act of 1978
17 (16 U.S.C. 2622) is amended—

18 (i) in subsection (h), in the subsection
19 heading, by striking “OTHER”; and

20 (ii) by adding at the end the fol-
21 lowing:

22 “(i) PRIOR STATE ACTIONS.—Subsections (b) and
23 (c) shall not apply to the standard established by para-
24 graph (22) of section 111(d) in the case of any electric

1 utility in a State if, before the date of enactment of this
2 subsection—

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

5 “(2) the State regulatory authority for the
6 State or the relevant nonregulated electric utility has
7 conducted a proceeding to consider implementation
8 of the standard (or a comparable standard) for the
9 electric utility; or

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

13 (B) CROSS-REFERENCE.—Section 124 of
14 the Public Utility Regulatory Policies Act of
15 1978 (16 U.S.C. 2634) is amended by adding
16 at the end the following: “In the case of the
17 standard established by paragraph (22) of sec-
18 tion 111(d), the reference contained in this sec-
19 tion to the date of enactment of this Act shall
20 be deemed to be a reference to the date of en-
21 actment of that paragraph (22).”.

1 **SEC. 4. FEDERAL CONTRACTS FOR PUBLIC UTILITY SERV-**
2 **ICES.**

3 Section 501(b)(1) of title 40, United States Code, is
4 amended by striking subparagraph (B) and inserting the
5 following:

6 “(B) PUBLIC UTILITY CONTRACTS.—A
7 contract under this paragraph for public utility
8 services may be for a period of not more than
9 30 years.”.

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