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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Public Utility Regulatory Policies Act of 1978 to add a standard related to the evaluation of State intermittent energy policies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Public Utility Regulatory Policies Act of 1978 to add a standard related to the evaluation of State intermittent energy policies, 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 “Reliability Protection
5 for States Act”.

1 **SEC. 2. CONSIDERATION OF EFFECTS OF STATE POLICIES**
2 **ON RELIABLE AVAILABILITY OF ELECTRIC**
3 **ENERGY.**

4 Section 111(d) of the Public Utility Regulatory Poli-
5 cies Act of 1978 (16 U.S.C. 2621(d)) is amended by add-
6 ing at the end the following:

7 “(22) EVALUATION OF EFFECTS OF STATE
8 POLICIES ON RELIABLE AVAILABILITY OF ELECTRIC
9 ENERGY.—

10 “(A) IN GENERAL.—Each State regulatory
11 authority that implements an intermittent en-
12 ergy policy shall conduct, and make publicly
13 available, a general evaluation of—

14 “(i) the effects of implementing the
15 intermittent energy policy on the reliability
16 of the bulk-power system in the State, in-
17 cluding an assessment of the adequacy of
18 available electric energy resources over a
19 10-year period;

20 “(ii) the ability of electric energy re-
21 sources that comply with the requirements
22 of the intermittent energy policy to meet
23 electric energy demand during emer-
24 gencies, periods of high demand, or ex-
25 treme weather events;

1 “(iii) the effects of implementing the
2 intermittent energy policy on rates charged
3 by electric utilities;

4 “(iv) whether reliable generation fa-
5 cilities that are removed from service in
6 order to comply with the requirements of
7 the intermittent energy policy can be re-
8 placed with sufficient electric generation
9 facilities meeting such requirements, which
10 have a capacity accreditation that is equiv-
11 alent to the capacity accreditation of the
12 removed facilities, to maintain the reli-
13 ability of the bulk-power system in the
14 State; and

15 “(v) the extent to which implementa-
16 tion of the intermittent energy policy re-
17 quires electric utilities in the State to use
18 replacement electric energy supplies that
19 are generated by reliable generation facili-
20 ties located outside the State in order to
21 maintain the reliability of the bulk-power
22 system in the State.

23 “(B) PRIOR STATE ACTIONS.—Notwith-
24 standing section 124 and paragraphs (1) and
25 (2) of section 112(a), each State regulatory au-

1 thority shall consider and make a determination
2 concerning the standard set out in subpara-
3 graph (A) in accordance with the requirements
4 of subsections (a) and (b) of this section, with-
5 out regard to any proceedings commenced prior
6 to the enactment of this paragraph.

7 “(C) TIME LIMITATION.—Notwithstanding
8 subsections (b) and (c) of section 112, each
9 State regulatory authority shall consider and
10 make a determination concerning whether it is
11 appropriate to implement the standard set out
12 in subparagraph (A) not later than 1 year after
13 the date of enactment of this paragraph.

14 “(D) PUBLIC AVAILABILITY.—A State reg-
15 ulatory authority that has made a determina-
16 tion concerning whether to implement, and is
17 implementing, the standard set out in subpara-
18 graph (A) shall make publicly available the gen-
19 eral evaluation described in such subpara-
20 graph—

21 “(i) if the applicable State has adopt-
22 ed an intermittent energy policy before the
23 date on which the State regulatory author-
24 ity makes such determination, not later

1 than 1 year after such date of determina-
2 tion; and

3 “(ii) if the applicable State adopts an
4 intermittent energy policy after the date on
5 which the State regulatory authority makes
6 such determination, not later than 1 year
7 after the date of such adoption.

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

9 “(i) BULK-POWER SYSTEM.—The
10 term ‘bulk-power system’ has the meaning
11 given that term in section 215 of the Fed-
12 eral Power Act (16 U.S.C. 824o).

13 “(ii) INTERMITTENT ENERGY POL-
14 ICY.—The term ‘intermittent energy policy’
15 means any requirement of a State, en-
16 forced by a State regulatory authority,
17 that a State regulated electric utility en-
18 sure that a specified portion of the electric
19 energy sold by such electric utility is gen-
20 erated by facilities that are not reliable
21 generation facilities.

22 “(iii) RELIABLE GENERATION FACIL-
23 ITY.—The term ‘reliable generation facil-
24 ity’ means an electric generation facility

1 that ensures the reliable availability of
2 electric energy by—

3 “(I) having operational charac-
4 teristics to enable the generation of
5 electric energy on a continuous basis
6 for a period of not fewer than 30
7 days;

8 “(II) having—

9 “(aa) adequate fuel, or a
10 continuously available energy
11 source, on-site to enable the gen-
12 eration of electric energy on a
13 continuous basis for a period of
14 not fewer than 30 days; or

15 “(bb) contractual obligations
16 that ensure adequate fuel supply
17 to achieve the generation of elec-
18 tric energy on a continuous basis
19 for a period of not fewer than 30
20 days;

21 “(III) having operational charac-
22 teristics to enable the generation of
23 electric energy during emergency and
24 severe weather conditions; and

1 “(IV) providing essential services
2 related to the reliable availability of
3 electric energy, including frequency
4 support and voltage support.”.