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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 State consideration of reliable generation, and for other purposes.

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**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 State consideration of reliable generation, 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 “State Planning for Re-  
5       liability and Affordability Act”.

1 **SEC. 2. STATE CONSIDERATION OF RELIABLE GENERA-**  
2 **TION.**

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

6 “(22) ENSURING ELECTRIC RELIABILITY WITH  
7 RELIABLE GENERATION FACILITIES.—

8 “(A) IN GENERAL.—Each electric utility  
9 that employs integrated resource planning shall  
10 establish, as part of such integrated resource  
11 planning, measures, sufficient to ensure the re-  
12 liable availability of electric energy over a 10-  
13 year period, to maintain—

14 “(i) the operation of reliable genera-  
15 tion facilities; or

16 “(ii) the procurement of electric en-  
17 ergy from reliable generation facilities.

18 “(B) RELIABLE GENERATION FACILITY  
19 DEFINED.—In this paragraph, the term ‘reli-  
20 able generation facility’ means an electric gen-  
21 eration facility that ensures the reliable avail-  
22 ability of electric energy by—

23 “(i) having operational characteristics  
24 to enable the generation of electric energy  
25 on a continuous basis for a period of not  
26 fewer than 30 days;

1 “(ii) having—

2 “(I) adequate fuel, or a continu-  
3 ously available energy source, on-site  
4 to enable the generation of electric en-  
5 ergy on a continuous basis for a pe-  
6 riod of not fewer than 30 days; or

7 “(II) contractual obligations that  
8 ensure adequate fuel supply to achieve  
9 the generation of electric energy on a  
10 continuous basis for a period of not  
11 fewer than 30 days;

12 “(iii) having operational characteris-  
13 tics to enable the generation of electric en-  
14 ergy during emergency and severe weather  
15 conditions; and

16 “(iv) providing essential services re-  
17 lated to the reliable availability of electric  
18 energy, including frequency support and  
19 voltage support.”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) OBLIGATIONS TO CONSIDER AND DETER-  
22 MINE.—Section 112 of the Public Utility Regulatory  
23 Policies Act of 1978 (16 U.S.C. 2622) is amended—

24 (A) in subsection (b), by adding at the end  
25 the following:

1           “(9)(A) Not later than 1 year after the date of  
2           enactment of this paragraph, each State regulatory  
3           authority (with respect to each electric utility for  
4           which the State has ratemaking authority) and each  
5           nonregulated utility shall commence consideration  
6           under section 111, or set a hearing date for consid-  
7           eration, with respect to the standard established by  
8           paragraph (22) of section 111(d).

9           “(B) Not later than 2 years after the date of  
10          enactment of this paragraph, each State regulatory  
11          authority (with respect to each electric utility for  
12          which the State has ratemaking authority), and each  
13          nonregulated electric utility shall complete the con-  
14          sideration and make the determination under section  
15          111 with respect to the standard established by  
16          paragraph (22) of section 111(d).”;

17                 (B) in subsection (c)—

18                         (i) by striking “subsection (b)(2)” and  
19                         inserting “subsection (b)”; and

20                         (ii) by inserting “In the case of the  
21                         standard established by paragraph (22) of  
22                         section 111(d), the reference contained in  
23                         this subsection to the date of enactment of  
24                         this Act shall be deemed to be a reference

1 to the date of enactment of that paragraph  
2 (22).” after “paragraph (21).”; and

3 (C) by adding at the end the following:

4 “(i) OTHER PRIOR STATE ACTIONS.—Subsections  
5 (b) and (c) shall not apply to the standard established by  
6 paragraph (22) of section 111(d) in the case of any elec-  
7 tric utility in a State if, before the date of enactment of  
8 this subsection—

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

11 “(2) the State regulatory authority for the  
12 State or the relevant nonregulated electric utility has  
13 conducted a proceeding to consider implementation  
14 of the standard (or a comparable standard) for the  
15 electric utility; or

16 “(3) the State legislature has voted on the im-  
17 plementation of the standard (or a comparable  
18 standard) for the electric utility during the 3-year  
19 period ending on that date of enactment.”.

20 (2) PRIOR AND PENDING PROCEEDINGS.—Sec-  
21 tion 124 of the Public Utility Regulatory Policies  
22 Act of 1978 (16 U.S.C. 2634) is amended by insert-  
23 ing “In the case of the standard established by para-  
24 graph (22) of section 111(d), the reference con-  
25 tained in this section to the date of enactment of

1       this Act shall be deemed to be a reference to the  
2       date of enactment of that paragraph (22).” after  
3       “paragraph (21).”.