AMENDMENT TO
RULES COMMITTEE PRINT 116–63
OFFERED BY MR. LUJÁN OF NEW MEXICO

After section 2401 insert the following:

1 SEC. 2402. ESTABLISHMENT OF COMMUNITY SOLAR PROGRANS.

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

“(21) COMMUNITY SOLAR PROGRAMS.—Each electric utility shall offer a community solar program that provides all ratepayers, including low-income ratepayers, equitable and demonstrable access to such community solar program. For the purposes of this paragraph, the term ‘community solar program’ means a service provided to any electric consumer that the electric utility serves through which the value of electricity generated by a community solar facility may be used to offset charges billed to the electric consumer by the electric utility. A ‘community solar facility’ is—
“(A) a solar photovoltaic system that allocates electricity to multiple electric consumers of an electric utility;

“(B) connected to a local distribution of the electric utility;

“(C) located either on or off the property of the electric consumers; and

“(D) may be owned by an electric utility, an electric consumer, or a third party.”.

(b) COMPLIANCE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

“(8)(A) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority) and each nonregulated electric utility shall commence consideration under section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (21) of section 111(d).

“(B) Not later than 2 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for
which the State has ratemaking authority), and each
nonregulated electric utility shall complete the con-
sideration and make the determination under section
111 with respect to the standard established by
paragraph (21) of section 111(d).”.

(2) FAILURE TO COMPLY.—

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

(i) by striking “such paragraph (14)”
and all that follows through “paragraphs
(16)” and inserting “such paragraph (14).
In the case of the standard established by
paragraph (15) of section 111(d), the ref-
erence contained in this subsection to the
date of enactment of this Act shall be
deemed to be a reference to the date of en-
actment of that paragraph (15). In the
case of the standards established by para-
graphs (16)”;

(ii) by adding at the end the fol-
lowing: “In the case of the standard estab-
lished by paragraph (21) of section 111(d),
the reference contained in this subsection
to the date of enactment of this Act shall
be deemed to be a reference to the date of
enactment of that paragraph (21).”.

(B) TECHNICAL CORRECTION.—

(i) IN GENERAL.—Section 1254(b) of
the Energy Policy Act of 2005 (Public
Law 109–58; 119 Stat. 971) is amended—

(I) by striking paragraph (2);

and

(II) by redesignating paragraph
(3) as paragraph (2).

(ii) TREATMENT.—The amendment
made by paragraph (2) of section 1254(b)
of the Energy Policy Act of 2005 (Public
Law 109–58; 119 Stat. 971) (as in effect
on the day before the date of enactment of
this Act) is void, and section 112(d) of the
Public Utility Regulatory Policies Act of
1978 (16 U.S.C. 2622(d)) shall be in ef-
fect as if those amendments had not been
enacted.

(3) PRIOR STATE ACTIONS.—

(A) IN GENERAL.—Section 112 of the
Public Utility Regulatory Policies Act of 1978
(16 U.S.C. 2622) is amended by adding at the
end the following:
“(h) PRIOR STATE ACTIONS.—Subsections (b) and (c) shall not apply to the standard established by paragraph (21) of section 111(d) in the case of any electric utility in a State if, before the date of enactment of this subsection—

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

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

“(3) the State legislature has voted on the implementation of the standard (or a comparable standard) for the electric utility.”.

(B) CROSS-REFERENCE.—Section 124 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2634) is amended by adding at the end the following: “In the case of the standard established by paragraph (21) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (21).”.

Page 562, line 3, strike “(21)” and insert “(22)”. 
Page 563, line 18, strike “(8)” and insert “(9)”.

Page 563, line 25, strike “(21)” and insert “(22)”.

Page 564, line 8, strike “(21)” and insert “(22)”.

Page 564, line 14, strike “(21)” and insert “(22)”.

Page 564, line 22, strike “(h)” and insert “(i)”.

Page 564, line 24, strike “(21)” and insert “(22)”.

Page 565, line 20, strike “(21)” and insert “(22)”.

Page 565, line 24, strike “(21)” and insert “(22)”.

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