

**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 PRO-**  
2 **GRAMS.**

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 “(21) COMMUNITY SOLAR PROGRAMS.—Each  
7 electric utility shall offer a community solar program  
8 that provides all ratepayers, including low-income  
9 ratepayers, equitable and demonstrable access to  
10 such community solar program. For the purposes of  
11 this paragraph, the term ‘community solar program’  
12 means a service provided to any electric consumer  
13 that the electric utility serves through which the  
14 value of electricity generated by a community solar  
15 facility may be used to offset charges billed to the  
16 electric consumer by the electric utility. A ‘commu-  
17 nity solar facility’ is—

1           “(A) a solar photovoltaic system that allo-  
2           cates electricity to multiple electric consumers  
3           of an electric utility;

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

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

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

10       (b) COMPLIANCE.—

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

15           “(8)(A) Not later than 1 year after the date of  
16       enactment of this paragraph, each State regulatory  
17       authority (with respect to each electric utility for  
18       which the State has ratemaking authority) and each  
19       nonregulated electric utility shall commence consid-  
20       eration under section 111, or set a hearing date for  
21       consideration, with respect to the standard estab-  
22       lished by paragraph (21) of section 111(d).

23           “(B) Not later than 2 years after the date of  
24       enactment of this paragraph, each State regulatory  
25       authority (with respect to each electric utility for

1       which the State has ratemaking authority), and each  
2       nonregulated electric utility shall complete the con-  
3       sideration and make the determination under section  
4       111 with respect to the standard established by  
5       paragraph (21) of section 111(d).”.

6               (2) FAILURE TO COMPLY.—

7                   (A) IN GENERAL.—Section 112(c) of the  
8       Public Utility Regulatory Policies Act of 1978  
9       (16 U.S.C. 2622(c)) is amended—

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

21                   (ii) by adding at the end the fol-  
22                   lowing: “In the case of the standard estab-  
23                   lished by paragraph (21) of section 111(d),  
24                   the reference contained in this subsection  
25                   to the date of enactment of this Act shall

1 be deemed to be a reference to the date of  
2 enactment of that paragraph (21).”.

3 (B) TECHNICAL CORRECTION.—

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

7 (I) by striking paragraph (2);

8 and

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

11 (ii) TREATMENT.—The amendment  
12 made by paragraph (2) of section 1254(b)  
13 of the Energy Policy Act of 2005 (Public  
14 Law 109–58; 119 Stat. 971) (as in effect  
15 on the day before the date of enactment of  
16 this Act) is void, and section 112(d) of the  
17 Public Utility Regulatory Policies Act of  
18 1978 (16 U.S.C. 2622(d)) shall be in ef-  
19 fect as if those amendments had not been  
20 enacted.

21 (3) PRIOR STATE ACTIONS.—

22 (A) IN GENERAL.—Section 112 of the  
23 Public Utility Regulatory Policies Act of 1978  
24 (16 U.S.C. 2622) is amended by adding at the  
25 end the following:

1       “(h) PRIOR STATE ACTIONS.—Subsections (b) and  
2 (c) shall not apply to the standard established by para-  
3 graph (21) of section 111(d) in the case of any electric  
4 utility in a State if, before the date of enactment of this  
5 subsection—

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

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

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

16               (B) CROSS-REFERENCE.—Section 124 of  
17 the Public Utility Regulatory Policies Act of  
18 1978 (16 U.S.C. 2634) is amended by adding  
19 at the end the following: “In the case of the  
20 standard established by paragraph (21) of sec-  
21 tion 111(d), the reference contained in this sub-  
22 section to the date of enactment of this Act  
23 shall be deemed to be a reference to the date  
24 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)”.

