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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend the Public Utility Regulatory Policies Act of 1978 to require consideration of discounting rates for providing electric service to electric consumers in counties in which certain generation facilities are located, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend the Public Utility Regulatory Policies Act of 1978 to require consideration of discounting rates for providing electric service to electric consumers in counties in which certain generation facilities are located, 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 “Affordable Power for
5 Host Communities Act”.

1 **SEC. 2. DISCOUNTED RATES FOR HOST COUNTIES.**

2 (a) FEDERAL STANDARD.—Section 111(d) of the
3 Public Utility Regulatory Policies Act of 1978 (16 U.S.C.
4 2621(d)) is amended by adding at the end the following:

5 “(22) DISCOUNTED RATES FOR HOST COUN-
6 TIES.—

7 “(A) DISCOUNTED RATES.—Rates charged
8 by any electric utility for providing electric serv-
9 ice to a class of electric consumers shall be dis-
10 counted by 20 percent for electric consumers in
11 such class who are provided electric service in
12 a host county compared to rates charged by
13 such electric utility for providing electric service
14 to electric consumers in such class who are pro-
15 vided electric service outside of a host county.

16 “(B) DEFINITIONS.—In this paragraph:

17 “(i) HOST COUNTY.—The term ‘host
18 county’ means a county in which a covered
19 generation facility is located.

20 “(ii) COVERED GENERATION FACIL-
21 ITY.—The term ‘covered generation facil-
22 ity’—

23 “(I) means a facility that—

24 “(aa) generates electric en-
25 ergy that is delivered to local dis-
26 tribution facilities and sold;

1 “(bb) has a nameplate ca-
2 pacity of at least 5 megawatts;
3 and

4 “(cc) imposes operational,
5 environmental, or infrastructure
6 burdens, including land use re-
7 strictions, water management
8 constraints, wildfire risk associ-
9 ated with transmission infra-
10 structure, environmental compli-
11 ance obligations, on the county in
12 which such facility is located; and

13 “(II) includes hydroelectric, geo-
14 thermal, biomass, solar, and wind
15 generation facilities and associated
16 Federal or State-owned infrastruc-
17 ture.”.

18 (b) OBLIGATIONS TO CONSIDER AND DETERMINE.—

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

23 “(9)(A) Not later than 1 year 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 commence consid-
3 eration under section 111, or set a hearing date for
4 consideration, with respect to the standard estab-
5 lished by paragraph (22) of section 111(d).

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

14 (2) FAILURE TO COMPLY.—Section 112(c) of
15 the Public Utility Regulatory Policies Act of 1978
16 (16 U.S.C. 2622(c)) is amended by adding at the
17 end the following: “In the case of the standard es-
18 tablished by paragraph (22) of section 111(d), the
19 reference contained in this subsection to the date of
20 enactment of this Act shall be deemed to be a ref-
21 erence to the date of enactment of that paragraph
22 (22).”.

23 (3) PRIOR STATE ACTIONS.—Section 112 of the
24 Public Utility Regulatory Policies Act of 1978 (16

1 U.S.C. 2622) is amended by adding at the end the
2 following:

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

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

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

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

19 (c) PRIOR AND PENDING PROCEEDINGS.—Section
20 124 of the Public Utility Regulatory Policies Act of 1978
21 (16 U.S.C. 2634) is amended by adding at the end the
22 following: “In the case of the standard established by
23 paragraph (22) of section 111(d), the reference contained
24 in this section to the date of enactment of this Act shall

1 be deemed to be a reference to the date of enactment of
2 that paragraph (22).”.