

116TH CONGRESS
2D SESSION

H. R. 5968

To require the Secretary of Energy to establish a program to increase participation in community solar and the receipt of associated benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2020

Mr. LUJÁN (for himself and Ms. HAALAND) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Secretary of Energy to establish a program to increase participation in community solar and the receipt of associated benefits, 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 “Community Solar Con-
5 sumer Choice Act of 2020”.

1 **SEC. 2. COMMUNITY SOLAR CONSUMER CHOICE PROGRAM;**
2 **FEDERAL GOVERNMENT PARTICIPATION IN**
3 **COMMUNITY SOLAR.**

4 (a) DEFINITIONS.—In this section:

5 (1) COMMUNITY SOLAR.—The term “commu-
6 nity solar” means a solar power plant, the benefits
7 of the electricity produced by which are shared by
8 two or more electricity customers.

9 (2) SECRETARY.—The term “Secretary” means
10 the Secretary of Energy.

11 (3) SUBSCRIBER.—The term “subscriber”
12 means an electricity customer who receives a benefit
13 associated with the proportional output of the com-
14 munity solar facility of the customer.

15 (b) ESTABLISHMENT OF COMMUNITY SOLAR CON-
16 SUMER CHOICE PROGRAM.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of this Act, the Secretary
19 shall establish a program to expand community solar
20 options to—

21 (A) individuals, particularly individuals
22 that do not have regular access to onsite solar,
23 including low- and moderate-income individuals;

24 (B) businesses;

25 (C) nonprofit organizations; and

1 (D) States and local and Tribal govern-
2 ments.

3 (2) ALIGNMENT WITH EXISTING FEDERAL PRO-
4 GRAMS.—The Secretary shall align the program
5 under paragraph (1) with existing Federal programs
6 that serve low-income communities.

7 (3) ASSISTANCE TO STATE AND LOCAL GOVERN-
8 MENTS.—In carrying out the program under para-
9 graph (1), the Secretary shall—

10 (A) provide technical assistance to States
11 and local and Tribal governments for projects
12 to increase community solar;

13 (B) assist States and local and Tribal gov-
14 ernments in the development of new and inno-
15 vative financial and business models that lever-
16 age competition in the marketplace in order to
17 serve community solar subscribers; and

18 (C) use National Laboratories (as defined
19 in section 2 of the Energy Policy Act of 2005
20 (42 U.S.C. 15801)) to collect and disseminate
21 data to assist private entities in the financing
22 of, subscription to, and operation of community
23 solar projects.

24 (c) FEDERAL GOVERNMENT PARTICIPATION IN COM-
25 MUNITY SOLAR.—The Secretary will expand the existing

1 grant, loan, and financing programs to include community
 2 solar projects (as defined in paragraph (20) of section
 3 111(d) of the Public Utility Regulatory Policies Act of
 4 1978 (16 U.S.C. 2621(d)), as added pursuant to section
 5 3 of this Act).

6 **SEC. 3. ESTABLISHMENT OF COMMUNITY SOLAR PRO-**
 7 **GRAMS.**

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

11 “(20) COMMUNITY SOLAR PROGRAMS.—Each
 12 electric utility shall offer a community solar pro-
 13 gram. For the purposes of this paragraph, the term
 14 ‘community solar program’ means a service provided
 15 to any electric consumer that the electric utility
 16 serves through which the value of electric energy
 17 generated by a community solar facility may be used
 18 to offset charges billed to the electric consumer by
 19 the electric utility. A ‘community solar facility’ is—

20 “(A) a solar photovoltaic system that allo-
 21 cates electricity to multiple electric consumers
 22 of an electric utility;

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

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

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

5 (b) COMPLIANCE.—

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

10 “(7)(A) Not later than 1 year after the date of
11 enactment of this paragraph, each State regulatory
12 authority (with respect to each electric utility for
13 which the State has ratemaking authority) and each
14 nonregulated utility shall commence consideration
15 under section 111, or set a hearing date for consid-
16 eration, with respect to the standard established by
17 paragraph (20) of section 111(d).

18 “(B) Not later than 2 years after the date of
19 enactment of this paragraph, each State regulatory
20 authority (with respect to each electric utility for
21 which the State has ratemaking authority), and each
22 nonregulated electric utility shall complete the con-
23 sideration and make the determination under section
24 111 with respect to the standard established by
25 paragraph (20) of section 111(d).”.

1 (2) FAILURE TO COMPLY.—

2 (A) IN GENERAL.—Section 112(c) of the
3 Public Utility Regulatory Policies Act of 1978
4 (16 U.S.C. 2622(c)) is amended—

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

16 (ii) by adding at the end the fol-
17 lowing: “In the case of the standard estab-
18 lished by paragraph (20) of section 111(d),
19 the reference contained in this subsection
20 to the date of enactment of this Act shall
21 be deemed to be a reference to the date of
22 enactment of that paragraph (20).”.

23 (B) TECHNICAL CORRECTION.—

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

4 (I) by striking paragraph (2);

5 and

6 (II) by redesignating paragraph

7 (3) as paragraph (2).

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

18 (3) PRIOR STATE ACTIONS.—

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

23 “(g) PRIOR STATE ACTIONS.—Subsections (b) and
24 (c) shall not apply to the standard established by para-
25 graph (20) of section 111(d) in the case of any electric

1 utility in a State if, before the date of enactment of this
2 subsection—

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

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

10 “(3) the State legislature has voted on the im-
11 plementation of the standard (or a comparable
12 standard) for the electric utility.”.

13 (B) CROSS-REFERENCE.—Section 124 of
14 the Public Utility Regulatory Policies Act of
15 1978 (16 U.S.C. 2634) is amended by adding
16 at the end the following: “In the case of the
17 standard established by paragraph (20) of sec-
18 tion 111(d), the reference contained in this sub-
19 section to the date of enactment of this Act
20 shall be deemed to be a reference to the date
21 of enactment of that paragraph (20).”.

1 **SEC. 4. FEDERAL CONTRACTS FOR PUBLIC UTILITY SERV-**
2 **ICES.**

3 Section 501(b)(1) of title 40, United States Code, is
4 amended by striking subparagraph (B) and inserting the
5 following:

6 “(B) PUBLIC UTILITY CONTRACTS.—A
7 contract under this paragraph for public utility
8 services may be for a period of not more than
9 20 years.”.

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