

114TH CONGRESS  
1ST SESSION

# S. 1434

To amend the Public Utility Regulatory Policies Act of 1978 to establish an energy storage portfolio standard, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

MAY 21, 2015

Mr. HEINRICH introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

## A BILL

To amend the Public Utility Regulatory Policies Act of 1978 to establish an energy storage portfolio standard, 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 “Energy Storage Pro-  
5 motion and Deployment Act of 2015”.

6 **SEC. 2. ENERGY STORAGE PORTFOLIO STANDARD.**

7 (a) IN GENERAL.—Title VI of the Public Utility Reg-  
8 ulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is  
9 amended by adding at the end the following:

1 **“SEC. 610. ENERGY STORAGE PORTFOLIO STANDARD.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) ENERGY STORAGE DEVICE.—The term ‘en-  
4 ergy storage device’ includes a device used to store  
5 energy using pumped hydropower, compressed air,  
6 batteries or other electrochemical forms (including  
7 hydrogen for fuel cells), thermal forms (including  
8 hot water and ice), flywheels, capacitors, super-  
9 conducting magnets, and other energy storage de-  
10 vices, to be available for use when the energy is  
11 needed.

12 “(2) RETAIL ELECTRIC SUPPLIER.—

13 “(A) IN GENERAL.—The term ‘retail elec-  
14 tric supplier’ means a person that—

15 “(i) sells electric energy to electric  
16 consumers; and

17 “(ii) sold not less than 500,000 mega-  
18 watt hours of electric energy to electric  
19 consumers for purposes other than resale  
20 during the preceding calendar year.

21 “(B) INCLUSION.—The term ‘retail electric  
22 supplier’ includes a person that sells electric en-  
23 ergy to electric consumers that, in combination  
24 with the sales of any affiliate organized after  
25 the date of enactment of this section, sells not  
26 less than 500,000 megawatt hours of electric

1 energy to consumers for purposes other than re-  
2 sale.

3 “(C) EXCLUSIONS.—The term ‘retail elec-  
4 tric supplier’ does not include—

5 “(i) the United States, a State, any  
6 political subdivision of a State, or any  
7 agency, authority, or instrumentality of the  
8 United States, a State, an Indian tribe, or  
9 a political subdivision; or

10 “(ii) a rural electric cooperative.

11 “(D) SALES TO PARENT COMPANIES OR  
12 AFFILIATES.—For purposes of this paragraph,  
13 sales by any person to a parent company or to  
14 other affiliates of the person shall not be treat-  
15 ed as sales to electric consumers.

16 “(b) REQUIREMENTS.—

17 “(1) PRIMARY STANDARDS.—Subject to para-  
18 graph (2) and except as provided in subsection  
19 (e)(2), each retail electric supplier shall achieve com-  
20 pliance with the following energy storage portfolio  
21 standards by the following dates:

22 “(A) JANUARY 1, 2021.—Not later than  
23 January 1, 2021, each retail electric supplier  
24 shall have available on the system of the retail  
25 electric supplier energy storage devices with a

1 power capacity rating equal to not less than 1  
2 percent of the annual average peak power de-  
3 mand of the system, as—

4 “(i) measured over a 1-hour period;

5 and

6 “(ii) averaged over the period of cal-  
7 endar years 2017 through 2019.

8 “(B) JANUARY 1, 2025.—Not later than  
9 January 1, 2025, each retail electric supplier  
10 shall have available on the system of the retail  
11 electric supplier energy storage devices with a  
12 power capacity rating equal to not less than 2  
13 percent of the annual average peak power de-  
14 mand of the system, as—

15 “(i) measured over a 1-hour period;

16 and

17 “(ii) averaged over the period of cal-  
18 endar years 2021 through 2023.

19 “(2) SECONDARY STANDARD.—Of each applica-  
20 ble storage capacity required under paragraph (1),  
21 at least 50 percent shall be sufficient to provide elec-  
22 tricity at the rated capacity for a duration of not  
23 less than 1 hour.

1       “(c) INCLUSIONS.—The following may be used to  
2 comply with the energy storage portfolio standards estab-  
3 lished by subsection (b):

4           “(1) Energy storage devices associated with a  
5 retail customer of the retail electric supplier.

6           “(2) Energy storage owned or operated by the  
7 retail electric supplier.

8           “(3) Energy storage devices that are electrically  
9 connected to the retail electric supplier and available  
10 to provide power, including storage owned by—

11                   “(A) a third party;

12                   “(B) a regional transmission entity; or

13                   “(C) a transmission or generation entity.

14       “(d) EXCLUSION.—An energy storage device placed  
15 in operation before January 1, 2009, may not be used to  
16 achieve compliance with the energy storage portfolio  
17 standards established by subsection (b).

18       “(e) DEADLINE FOR COMPLIANCE.—

19           “(1) IN GENERAL.—Subject to paragraph (2),  
20 the chief executive officer of each retail electric sup-  
21 plier shall certify to the Secretary compliance with  
22 the energy storage portfolio standards established by  
23 subsection (b) by the applicable dates specified in  
24 that subsection.

25           “(2) WAIVERS.—

1           “(A) IN GENERAL.—Notwithstanding any  
 2 other provision of this section, the Secretary  
 3 may provide to a retail electric supplier a waiv-  
 4 er of an applicable deadline under subsection  
 5 (b) for a period of 1 calendar year, if the Sec-  
 6 retary determines that achieving compliance by  
 7 the applicable deadline would present undue  
 8 hardship to—

9                   “(i) the retail electric supplier; or

10                   “(ii) ratepayers of the retail electric  
 11 supplier.

12           “(B) ADDITIONAL WAIVERS.—The Sec-  
 13 retary may provide to a retail electric supplier  
 14 such additional 1-year waivers under subpara-  
 15 graph (A) as the Secretary determines to be ap-  
 16 propriate on making a subsequent determina-  
 17 tion under that subparagraph.”.

18           (b) TABLE OF CONTENTS AMENDMENT.—The table  
 19 of contents of the Public Utility Regulatory Policies Act  
 20 of 1978 (16 U.S.C. prec. 2601) is amended by adding at  
 21 the end of the items relating to title VI the following:

“Sec. 609. Rural and remote communities electrification grants.

“Sec. 610. Energy storage portfolio standard.”.

○