

117TH CONGRESS
1ST SESSION

S. 2241

To amend the Public Utility Regulatory Policies Act of 1978 to require States to consider measures to promote greater electrification of the transportation sector, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2021

Mr. HICKENLOOPER (for himself and Mr. WHITEHOUSE) 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 require States to consider measures to promote greater electrification of the transportation sector, 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 “Responsibly and Equi-
5 tably Change How Auto-charging Rates Get Evaluated
6 Act” or the “RECHARGE Act”.

1 **SEC. 2. CONSIDERATION OF MEASURES TO PROMOTE**
2 **GREATER ELECTRIFICATION OF THE TRANS-**
3 **PORTATION SECTOR.**

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

7 “(20) ELECTRIC VEHICLE CHARGING PRO-
8 GRAMS.—Each State shall consider measures to pro-
9 mote greater electrification of the transportation sec-
10 tor, including the establishment of rates that—

11 “(A) promote affordable and equitable
12 electric vehicle charging options for residential,
13 commercial, and public electric vehicle charging
14 infrastructure;

15 “(B) improve the customer experience as-
16 sociated with electric vehicle charging, including
17 by reducing charging times for light-, medium-
18 , and heavy-duty vehicles;

19 “(C) accelerate both third-party investment
20 and investments by electric utilities in electric
21 vehicle charging stations for light-, medium-,
22 and heavy-duty vehicles; and

23 “(D) appropriately recover the marginal
24 costs of delivering electricity to electric vehicles
25 and electric vehicle charging infrastructure.”.

26 (b) COMPLIANCE.—

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

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

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

21 (2) FAILURE TO COMPLY.—Section 112(c) of
22 the Public Utility Regulatory Policies Act of 1978
23 (16 U.S.C. 2622(c)) is amended by adding at the
24 end the following: “In the case of the standard es-
25 tablished by paragraph (20) of section 111(d), the

1 reference contained in this subsection to the date of
2 enactment of this Act shall be deemed to be a ref-
3 erence to the date of enactment of that paragraph.”.

4 (3) PRIOR STATE ACTIONS.—

5 (A) IN GENERAL.—Section 112 of the
6 Public Utility Regulatory Policies Act of 1978
7 (16 U.S.C. 2622) is amended by adding at the
8 end the following:

9 “(g) PRIOR STATE ACTIONS.—Subsections (b) and
10 (c) shall not apply to the standard established by para-
11 graph (20) of section 111(d) in the case of any electric
12 utility in a State if, before the date of enactment of this
13 subsection—

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

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

21 “(3) the State legislature has voted on the im-
22 plementation of the standard (or a comparable
23 standard) for the electric utility during the 3-year
24 period ending on that date of enactment.”.

1 (B) CROSS-REFERENCE.—Section 124 of
2 the Public Utility Regulatory Policies Act of
3 1978 (16 U.S.C. 2634) is amended—

4 (i) by striking “this subsection” each
5 place it appears and inserting “this sec-
6 tion”; and

7 (ii) by adding at the end the fol-
8 lowing: “In the case of the standard estab-
9 lished by paragraph (20) of section 111(d),
10 the reference contained in this section to
11 the date of enactment of this Act shall be
12 deemed to be a reference to the date of en-
13 actment of that paragraph.”.

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