

119TH CONGRESS  
1ST SESSION

# H. R. 3628

To amend the Public Utility Regulatory Policies Act of 1978 to add a standard related to State consideration of reliable generation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 29, 2025

Mr. EVANS of Colorado (for himself and Mr. LANGWORTHY) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Utility Regulatory Policies Act of 1978 to add a standard related to State consideration of reliable generation, 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 “State Planning for Re-  
5 liability and Affordability Act”.

1 **SEC. 2. STATE CONSIDERATION OF RELIABLE GENERA-**  
2 **TION.**

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 “(22) ENSURING ELECTRIC RELIABILITY WITH  
7 RELIABLE GENERATION FACILITIES.—

8 “(A) IN GENERAL.—Each State regulated  
9 electric utility that employs integrated resource  
10 planning shall establish, as part of such inte-  
11 grated resource planning, measures, sufficient  
12 to ensure the reliable availability of electric en-  
13 ergy over a 10-year period, to maintain—

14 “(i) the operation of reliable genera-  
15 tion facilities; or

16 “(ii) the procurement of electric en-  
17 ergy from reliable generation facilities.

18 “(B) RELIABLE GENERATION FACILITY  
19 DEFINED.—In this paragraph, the term ‘reli-  
20 able generation facility’ means an electric gen-  
21 eration facility that ensures the reliable avail-  
22 ability of electric energy by—

23 “(i) having operational characteristics  
24 to enable the generation of electric energy  
25 on a continuous basis for a period of not  
26 fewer than 30 days;

1 “(ii) having—

2 “(I) adequate fuel, or a continu-  
3 ously available energy source, on-site  
4 to enable the generation of electric en-  
5 ergy on a continuous basis for a pe-  
6 riod of not fewer than 30 days; or

7 “(II) contractual obligations that  
8 ensure adequate fuel supply to achieve  
9 the generation of electric energy on a  
10 continuous basis for a period of not  
11 fewer than 30 days;

12 “(iii) having operational characteris-  
13 tics to enable the generation of electric en-  
14 ergy during emergency and severe weather  
15 conditions; and

16 “(iv) providing essential services re-  
17 lated to the reliable availability of electric  
18 energy, including frequency support and  
19 voltage support.”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) OBLIGATIONS TO CONSIDER AND DETER-  
22 MINE.—Section 112 of the Public Utility Regulatory  
23 Policies Act of 1978 (16 U.S.C. 2622) is amended—

24 (A) in subsection (b), by adding at the end  
25 the following:

1           “(9)(A) Not later than 1 year after the date of  
2           enactment of this paragraph, each State regulatory  
3           authority (with respect to each State regulated elec-  
4           tric utility for which the State has ratemaking au-  
5           thority) shall commence consideration under section  
6           111, or set a hearing date for consideration, with re-  
7           spect to the standard established by paragraph (22)  
8           of section 111(d).

9           “(B) Not later than 2 years after the date of  
10          enactment of this paragraph, each State regulatory  
11          authority (with respect to each State regulated elec-  
12          tric utility for which the State has ratemaking au-  
13          thority) shall complete the consideration and make  
14          the determination under section 111 with respect to  
15          the standard established by paragraph (22) of sec-  
16          tion 111(d).”;

17                 (B) in subsection (c)—

18                         (i) by striking “subsection (b)(2)” and  
19                         inserting “subsection (b)”; and

20                         (ii) by inserting “In the case of the  
21                         standard established by paragraph (22) of  
22                         section 111(d), the reference contained in  
23                         this subsection to the date of enactment of  
24                         this Act shall be deemed to be a reference

1 to the date of enactment of that paragraph  
2 (22).” after “paragraph (21).”; and  
3 (C) by adding at the end the following:

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

9 “(1) the State has implemented for the State  
10 regulated electric utility the standard (or a com-  
11 parable standard);

12 “(2) the State regulatory authority for the  
13 State has conducted a proceeding to consider imple-  
14 mentation of the standard (or a comparable stand-  
15 ard) for the State regulated electric utility; or

16 “(3) the State legislature has voted on the im-  
17 plementation of the standard (or a comparable  
18 standard) for the State regulated electric utility dur-  
19 ing the 3-year period ending on that date of enact-  
20 ment.”.

21 (2) PRIOR AND PENDING PROCEEDINGS.—Sec-  
22 tion 124 of the Public Utility Regulatory Policies  
23 Act of 1978 (16 U.S.C. 2634) is amended by insert-  
24 ing “In the case of the standard established by para-  
25 graph (22) of section 111(d), the reference con-

1       tained in this section to the date of enactment of  
2       this Act shall be deemed to be a reference to the  
3       date of enactment of that paragraph (22).” after  
4       “paragraph (21).”.

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