

111TH CONGRESS
2D SESSION

H. R. 5082

To amend the Public Utility Regulatory Policies Act of 1978 to establish uniform national standards for the interconnection of certain small power production facilities.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2010

Mr. LUJÁN (for himself, Ms. GIFFORDS, Mr. POLIS of Colorado, and Mr. HEINRICH) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Utility Regulatory Policies Act of 1978 to establish uniform national standards for the interconnection of certain small power production facilities.

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. UNIFORM NATIONAL STANDARDS FOR INTER-**
4 **CONNECTION OF CERTAIN SMALL POWER**
5 **PRODUCTION FACILITIES.**

6 (a) FINDINGS.—Section 2 of the Public Utility Regu-
7 latory Policies Act of 1978 (16 U.S.C. 2601) is amend-
8 ed—

1 (1) in paragraph (5), by striking “and” at the
2 end;

3 (2) in paragraph (6), by striking the period at
4 the end and inserting “, and”; and

5 (3) by adding at the end the following:

6 “(7) uniform national standards for the inter-
7 connection of certain small power production facili-
8 ties.”.

9 (b) STANDARDS FOR INTERCONNECTION.—

10 (1) IN GENERAL.—Subtitle B of title I of the
11 Public Utility Regulatory Policies Act of 1978 (16
12 U.S.C. 2621 et seq.) is amended by adding at the
13 end the following:

14 **“SEC. 118. INTERCONNECTION OF CERTAIN SMALL POWER**
15 **PRODUCTION FACILITIES.**

16 “(a) STANDARD FOR FACILITIES THAT HAVE A
17 POWER PRODUCTION CAPACITY OF NOT MORE THAN 2
18 MEGAWATTS.—The Commission shall establish a standard
19 by which each electric utility shall make available, on re-
20 quest, interconnection service to any electric consumer
21 that the electric utility serves with respect to any facility
22 on the premises of the electric consumer that has a power
23 production capacity of not more than 2 megawatts.

24 “(b) ENFORCEMENT.—

25 “(1) BY THE COMMISSION.—

1 “(A) IN GENERAL.—Except as provided in
2 paragraph (2), the Commission may enforce the
3 standard established under subsection (a)
4 against any electric utility.

5 “(B) ADMINISTRATION.—The require-
6 ments of the standard established under sub-
7 section (a) shall be treated as a rule enforceable
8 under the Federal Power Act (16 U.S.C. 791a
9 et seq.).

10 “(2) BY A STATE REGULATORY AUTHORITY.—
11 The Commission may enter into an agreement with
12 a State regulatory authority to discontinue the en-
13 forcement of this section in the State by the Com-
14 mission if the Commission finds that the State or
15 the State regulatory authority has adopted and is
16 enforcing a standard for interconnection services
17 that is consistent with or exceeds the standard es-
18 tablished under subsection (a).

19 “(3) RESUMPTION OF COMMISSION ENFORCE-
20 MENT.—The Commission may rescind an agreement
21 under paragraph (2) and resume enforcement of the
22 standard established under subsection (a) if, as de-
23 termined by the Commission, the State or the State
24 regulatory authority has failed to enforce a con-
25 sistent State standard.

1 “(c) CONSIDERATIONS.—In establishing the standard
 2 under subsection (a), the Commission shall consider the
 3 standards developed by the Institute of Electrical and
 4 Electronics Engineers: IEEE Standard 1547 for Inter-
 5 connecting Distributed Resources with Electric Power
 6 Systems, as they may be amended from time to time. The
 7 standard established under subsection (a) shall promote
 8 current best practices of interconnection for distributed
 9 generation, including practices stipulated in model codes
 10 from State best practices. The standard established under
 11 subsection (a) shall be just and reasonable, and not unduly
 12 discriminatory or preferential.

13 “(d) MODEL STANDARD FOR FACILITIES OF UP TO
 14 20 MEGAWATTS.—The Commission shall establish a
 15 model standard for the interconnection of small power pro-
 16 duction facilities that have a power production capacity
 17 of more than 2 megawatts, but not more than 20
 18 megawatts, for the consideration of State regulatory au-
 19 thorities under section 111(d)(15).”.

20 (2) CONFORMING AMENDMENT.—The table of
 21 contents in section 1(b) of the Public Utility Regu-
 22 latory Policies Act of 1978 (16 U.S.C. prec. 2601)
 23 is amended by adding at the end of the items relat-
 24 ing to subtitle B of title I the following:

“Sec. 118. Interconnection of certain small power production facilities.”.