

111TH CONGRESS
2D SESSION

S. 3923

To amend the Public Utility Regulatory Policies Act of 1978 to clarify
the authority of States to adopt renewable energy incentives.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Mr. SANDERS (for himself, Mr. HARKIN, Mr. WHITEHOUSE, Mr. LEAHY, and
Mr. MERKLEY) 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 clarify the authority of States to adopt renewable
energy incentives.

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 “Let the States Inno-
5 vate on Sustainable Energy Act of 2010”.

1 **SEC. 2. CLARIFICATION OF STATE AUTHORITY TO ADOPT**
 2 **RENEWABLE ENERGY INCENTIVES.**

3 Section 210 of the Public Utility Regulatory Policies
 4 Act of 1978 (16 U.S.C. 824a–3) is amended by adding
 5 at the end the following:

6 “(o) CLARIFICATION OF STATE AUTHORITY TO
 7 ADOPT RENEWABLE ENERGY INCENTIVES.—

8 “(1) DEFINITION OF STATE-APPROVED PRO-
 9 Duction INCENTIVE PROGRAM.—In this subsection,
 10 the term ‘State-approved production incentive pro-
 11 gram’ means a requirement imposed pursuant to
 12 State law, or by a State regulatory authority acting
 13 within the authority of the State regulatory author-
 14 ity under State law, that an electric utility purchase
 15 renewable energy (as defined in section 609(a)) at a
 16 specified rate.

17 “(2) RATES.—Notwithstanding any other provi-
 18 sion of this Act or the Federal Power Act (16
 19 U.S.C. 791a et seq.), a State legislature or regu-
 20 latory authority may set the rates for a sale of elec-
 21 tric energy by a facility generating electric energy
 22 from renewable energy sources pursuant to a State-
 23 approved production incentive program under which
 24 the facility voluntarily sells electric energy.”.

○