

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 9340
OFFERED BY M. _____

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ratepayer Protection
3 Act”.

4 SEC. 2. FEDERAL STANDARD RELATING TO LARGE-LOAD
5 CUSTOMERS.

(a) FEDERAL STANDARD RELATING TO LARGE-LOAD CUSTOMERS.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

10 “(22) STANDARDS FOR LARGE-LOAD CUS-
11 TOMERS.—

“(A) RECOVERY OF FULL, INCREMENTAL
COST OF UPGRADES.—A rate charged, or en-
tered into, by an electric utility for providing
electric service to a large-load customer shall be
designed to recover from the large-load cus-
tomer the full, incremental cost of any genera-
tion, transmission, or distribution upgrade nec-

1 essary to serve the load of such large-load cus-
2 tomer, including in the event of such large-load
3 customer terminating a contract or other agree-
4 ment with the electric utility pertaining to the
5 sale of electric energy, or otherwise ceasing the
6 purchase of electric energy from the electric
7 utility.

8 “(B) FINANCIAL ASSURANCES AND CON-
9 TRIBUTIONS.—Before making any generation,
10 transmission, or distribution upgrade that is
11 necessary to serve the load of a large-load cus-
12 tomer, an electric utility shall require the large-
13 load customer provide to the electric utility fi-
14 nancial assurances or contributions to cover the
15 cost of such upgrade.

16 “(C) LARGE-LOAD CUSTOMER DEFINED.—
17 In this paragraph, the term ‘large-load cus-
18 tomer’ means a non-residential electric con-
19 sumer that, on or after the date of the enact-
20 ment of this paragraph, requests to enter into,
21 or enters into, a contract or other agreement
22 pertaining to the sale of electric energy for one
23 or more facilities that—

24 “(i) require electric energy primarily
25 to operate information technology infra-

1 structure and related systems pertaining to
2 data storage and computational applica-
3 tions and services; and

4 “(ii) have, in the aggregate, a peak
5 electric demand of 100 megawatts or more
6 at a single site or campus.”.

7 (b) CONFORMING AMENDMENTS.—

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

11 (A) in subsection (b), by adding at the end
12 the following:

13 “(9)(A) Not later than 1 year 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 commence consid-
18 eration under section 111, or set a hearing date for
19 consideration, with respect to the standard estab-
20 lished by paragraph (22) of section 111(d).

21 “(B) Not later than 2 years after the date of
22 enactment of this paragraph, each State regulatory
23 authority (with respect to each electric utility for
24 which the State has ratemaking authority) and each
25 nonregulated electric utility shall complete the con-

1 sideration and make the determination under section
2 111 with respect to the standard established by
3 paragraph (22) of section 111(d).”;

4 (B) in subsection (c)—

5 (i) by striking “subsection (b)(2)” and
6 inserting “subsection (b)”; and

7 (ii) by inserting “In the case of the
8 standard established by paragraph (22) of
9 section 111(d), the reference contained in
10 this subsection to the date of enactment of
11 this Act shall be deemed to be a reference
12 to the date of enactment of that paragraph
13 (22).” after “paragraph (21).”; and

14 (C) by adding at the end the following:

15 “(i) OTHER PRIOR STATE ACTIONS.—Subsections
16 (b) and (c) shall not apply to the standard established by
17 paragraph (22) of section 111(d) in the case of any elec-
18 tric utility in a State if, before the date of enactment of
19 this subsection—

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

22 “(2) the State regulatory authority for the
23 State or the relevant nonregulated electric utility has
24 conducted a proceeding to consider implementation

1 of the standard (or a comparable standard) for the
2 electric utility; or

3 “(3) the State legislature has voted on the im-
4 plementation of the standard (or a comparable
5 standard) for the electric utility.”.

6 (2) PRIOR AND PENDING PROCEEDINGS.—Sec-
7 tion 124 of the Public Utility Regulatory Policies
8 Act of 1978 (16 U.S.C. 2634) is amended by adding
9 at the end the following: “In the case of the stand-
10 ard established by paragraph (22) of section 111(d),
11 the reference contained in this section to the date of
12 enactment of this Act shall be deemed to be a ref-
13 erence to the date of enactment of that paragraph
14 (22).”.

