

.....
(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend the Public Utility Regulatory Policies Act of 1978 to establish Federal standards relating to the recovery of the full, incremental costs of upgrades that serve large-load customers, and to withhold highway funds from States that do not implement such standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SUBRAMANYAM introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Public Utility Regulatory Policies Act of 1978 to establish Federal standards relating to the recovery of the full, incremental costs of upgrades that serve large-load customers, and to withhold highway funds from States that do not implement such standards, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Data Center Fair
3 Share Act”.

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

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

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

12 “(A) **RECOVERY OF FULL, INCREMENTAL**
13 **COST OF UPGRADES.**—A rate charged, or en-
14 tered into, by an electric utility for providing
15 electric service to a large-load customer shall be
16 designed to recover from the large-load cus-
17 tomer the full, incremental costs of any genera-
18 tion, transmission, or distribution upgrade nec-
19 essary to serve the load of such large-load cus-
20 tomer, including in the event of such large-load
21 customer terminating a contract or other agree-
22 ment with the electric utility pertaining to the
23 sale of electric energy, or otherwise ceasing the
24 purchase of electric energy from the electric
25 utility.

1 “(B) CONTRIBUTION OR ASSIGNMENT OF
2 COSTS FOR UPGRADES.—Before an electric util-
3 ity makes any generation, transmission, or dis-
4 tribution upgrade that is necessary to serve the
5 load of a large-load customer, or a group of
6 large-load customers, the electric utility shall—

7 “(i) require the large-load customer,
8 or the group of large-load customers, to
9 cover the full costs of such upgrade
10 through a contribution in aid of construc-
11 tion; or

12 “(ii) assign the full costs of such up-
13 grade to a class of large-load customers.

14 “(C) LARGE-LOAD CUSTOMER DEFINED.—
15 In this paragraph, the term ‘large-load cus-
16 tomer’ means a non-residential electric con-
17 sumer that, on or after the date of the enact-
18 ment of this paragraph, requests to enter into,
19 or enters into, a contract or other agreement
20 pertaining to the sale of electric energy for one
21 or more facilities that have, in the aggregate, a
22 peak electric demand of 100 megawatts or more
23 at a single site or campus.”.

1 (b) CONFORMING AMENDMENTS.—Section 112 of the
2 Public Utility Regulatory Policies Act of 1978 (16 U.S.C.
3 2622) is amended—

4 (1) in subsection (b), by adding at the end the
5 following:

6 “(9)(A) Not later than 1 year after the date of
7 enactment of this paragraph, each State regulatory
8 authority (with respect to each electric utility for
9 which the State has ratemaking authority) and each
10 nonregulated electric utility shall commence consid-
11 eration under section 111, or set a hearing date for
12 consideration, with respect to the standard estab-
13 lished by paragraph (22) of section 111(d).

14 “(B) Not later than 2 years after the date of
15 enactment of this paragraph, each State regulatory
16 authority (with respect to each electric utility for
17 which the State has ratemaking authority) and each
18 nonregulated electric utility shall complete the con-
19 sideration and make the determination under section
20 111 with respect to the standard established by
21 paragraph (22) of section 111(d).”;

22 (2) in subsection (c)—

23 (A) by striking “subsection (b)(2)” and in-
24 serting “subsection (b)”; and

1 (B) by inserting “In the case of the stand-
2 ard established by paragraph (22) of section
3 111(d), the reference contained in this sub-
4 section to the date of enactment of this Act
5 shall be deemed to be a reference to the date
6 of enactment of that paragraph (22).” after
7 “paragraph (21).”; and

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

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

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

16 “(2) the State legislature has voted on the im-
17 plementation of the standard (or a comparable
18 standard) for the electric utility.”.

19 **SEC. 3. WITHHOLDING OF HIGHWAY FUNDS FOR FAILURE**
20 **TO ADOPT FEDERAL STANDARD RELATING**
21 **TO LARGE-LOAD CUSTOMER.**

22 (a) IN GENERAL.—Chapter 1 of title 23, United
23 States Code, is amended by adding at the end the fol-
24 lowing:

1 **“§ 180. Federal standards relating to large-load cus-**
2 **tomers**

3 “The Secretary shall withhold 100 per centum of the
4 amount required to be apportioned to any State under sec-
5 tion 104(b) on the first day of each fiscal year after the
6 first fiscal year beginning after the date of enactment of
7 this section, in which the State has not implemented the
8 standards under section 111(d)(22) of the Public Utility
9 Regulatory Policies Act of 1978.”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 1 of title 23, United States Code, is amended by add-
12 ing at the end the following:

“180. Federal standard relating to large-load customer.”.