

118TH CONGRESS
1ST SESSION

H. R. 2751

To require the Secretary of Energy to establish a program to increase participation in community solar programs and the receipt of associated benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2023

Ms. CASTOR of Florida (for herself, Ms. VELÁZQUEZ, Ms. BONAMICI, Mr. CASTEN, Mr. HUFFMAN, Ms. BARRAGÁN, Ms. NORTON, Ms. CLARKE of New York, Mr. KRISHNAMOORTHY, and Ms. BROWNLEY) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Oversight and Accountability, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Secretary of Energy to establish a program to increase participation in community solar programs and the receipt of associated benefits, 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 “Community Solar Con-
5 sumer Choice Act of 2023”.

1 **SEC. 2. COMMUNITY SOLAR CONSUMER CHOICE PROGRAM;**
2 **FEDERAL GOVERNMENT PARTICIPATION IN**
3 **COMMUNITY SOLAR.**

4 (a) ESTABLISHMENT OF COMMUNITY SOLAR CON-
5 SUMER CHOICE PROGRAM.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this Act, the Secretary
8 shall establish a program to increase access to com-
9 munity solar programs for—

10 (A) individuals, particularly individuals
11 that do not have regular access to onsite solar,
12 including low- and moderate-income individuals;

13 (B) businesses;

14 (C) nonprofit organizations; and

15 (D) States and local and Tribal govern-
16 ments.

17 (2) ALIGNMENT WITH EXISTING FEDERAL PRO-
18 GRAMS.—The Secretary shall align the program es-
19 tablished under paragraph (1) with existing Federal
20 programs that serve low-income communities.

21 (3) ASSISTANCE TO STATE AND LOCAL GOVERN-
22 MENTS.—In carrying out the program established
23 under paragraph (1), the Secretary shall—

24 (A) provide technical assistance to States
25 and local and Tribal governments for projects

1 to increase access to community solar pro-
2 grams;

3 (B) assist States and local and Tribal gov-
4 ernments in the development of new and inno-
5 vative financial and business models that lever-
6 age competition in the energy marketplace in
7 order to serve subscribers; and

8 (C) use National Laboratories to collect
9 and disseminate data to assist private entities
10 in the financing of, subscription to, and oper-
11 ation of community solar facilities and commu-
12 nity solar programs.

13 (b) FEDERAL GOVERNMENT PARTICIPATION IN COM-
14 MUNITY SOLAR PROGRAMS.—The Secretary shall, to the
15 extent practicable, expand the existing grant, loan, and fi-
16 nancing programs of the Department of Energy to include
17 community solar programs.

18 (c) DEFINITIONS.—In this section:

19 (1) COMMUNITY SOLAR FACILITY; COMMUNITY
20 SOLAR PROGRAM; SUBSCRIBER.—The terms “com-
21 munity solar facility”, “community solar program”,
22 and “subscriber” have the meanings given such
23 terms in section 111(d)(22) of the Public Utility
24 Regulatory Policies Act of 1978 (as added by section
25 3 of this Act).

1 (2) NATIONAL LABORATORY.—The term “Na-
2 tional Laboratory” has the meaning given such term
3 in section 2 of the Energy Policy Act of 2005 (42
4 U.S.C. 15801).

5 (3) SECRETARY.—The term “Secretary” means
6 the Secretary of Energy.

7 **SEC. 3. ESTABLISHMENT OF COMMUNITY SOLAR PRO-**
8 **GRAMS.**

9 (a) IN GENERAL.—Section 111(d) of the Public Util-
10 ity Regulatory Policies Act of 1978 (16 U.S.C. 2621(d))
11 is amended by adding at the end the following:

12 “(22) COMMUNITY SOLAR PROGRAMS.—

13 “(A) IN GENERAL.—Each electric utility
14 shall offer a community solar program that pro-
15 vides all ratepayers, including low-income rate-
16 payers, equitable and demonstrable access to
17 such community solar program.

18 “(B) DEFINITIONS.—For the purposes of
19 this paragraph:

20 “(i) The term ‘community solar facil-
21 ity’ means a solar photovoltaic system
22 that—

23 “(I) allocates electricity to mul-
24 tiple electric consumers of an electric
25 utility;

1 “(II) is connected to local dis-
2 tribution infrastructure of the electric
3 utility;

4 “(III) is located either on or off
5 the property of one or more sub-
6 scribers; and

7 “(IV) may be owned by an elec-
8 tric utility, one more subscribers, or a
9 third party.

10 “(ii) The term ‘community solar pro-
11 gram’ means a service provided to any
12 electric consumer that the electric utility
13 serves through which the value of elec-
14 tricity generated by a community solar fa-
15 cility may be used to offset charges billed
16 to the electric consumer by the electric
17 utility.

18 “(iii) The term ‘subscriber’ means an
19 electric consumer who participates in a
20 community solar program.”.

21 (b) COMPLIANCE.—

22 (1) TIME LIMITATIONS.—Section 112(b) of the
23 Public Utility Regulatory Policies Act of 1978 (16
24 U.S.C. 2622(b)) is amended 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 electric utility for
4 which the State has ratemaking authority) and each
5 nonregulated electric utility shall commence consid-
6 eration under section 111, or set a hearing date for
7 consideration, with respect to the standard estab-
8 lished by paragraph (22) 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 electric utility for
12 which the State has ratemaking authority), and each
13 nonregulated electric utility shall complete the con-
14 sideration and make the determination under section
15 111 with respect to the standard established by
16 paragraph (22) of section 111(d).”.

17 (2) FAILURE TO COMPLY.—

18 (A) IN GENERAL.—Section 112(c) of the
19 Public Utility Regulatory Policies Act of 1978
20 (16 U.S.C. 2622(c)) is amended—

21 (i) by striking “subsection (b)(2)” and
22 inserting “subsection (b)”; and

23 (ii) by adding at the end the fol-
24 lowing: “In the case of the standard estab-
25 lished by paragraph (22) of section 111(d),

1 the reference contained in this subsection
2 to the date of enactment of this Act shall
3 be deemed to be a reference to the date of
4 enactment of that paragraph (22).”.

5 (3) PRIOR STATE ACTIONS.—

6 (A) IN GENERAL.—Section 112 of the
7 Public Utility Regulatory Policies Act of 1978
8 (16 U.S.C. 2622) is amended by adding at the
9 end the following:

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

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

17 “(2) the State regulatory authority for the
18 State or the relevant nonregulated electric utility has
19 conducted a proceeding to consider implementation
20 of the standard (or a comparable standard) for the
21 electric utility; or

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

1 (B) CROSS-REFERENCE.—Section 124 of
2 the Public Utility Regulatory Policies Act of
3 1978 (16 U.S.C. 2634) is amended by adding
4 at the end the following: “In the case of the
5 standard established by paragraph (22) of sec-
6 tion 111(d), the reference contained in this sub-
7 section to the date of enactment of this Act
8 shall be deemed to be a reference to the date
9 of enactment of that paragraph (22).”.

10 **SEC. 4. FEDERAL CONTRACTS FOR PUBLIC UTILITY SERV-**
11 **ICES.**

12 Section 501(b)(1) of title 40, United States Code, is
13 amended by striking subparagraph (B) and inserting the
14 following:

15 “(B) PUBLIC UTILITY CONTRACTS.—A
16 contract under this paragraph for public utility
17 services may be for a period of not more than
18 30 years.”.

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