AMENDMENT NO._____ Calendar No._____

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.**

# S. 465

To require the Federal Energy Regulatory Commission to reform the interconnection queue process for the prioritization and approval of certain projects, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. HEINRICH

Viz:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Grid Power Act''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) BULK-POWER SYSTEM.—The term ''bulk-power system'' has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(3) GRID RELIABILITY.—The term ''grid reliability'' means the ability of the electric grid to deliver an adequate, secure, and stable flow of electricity in the quantity and with the quality demanded by users, taking into account the ability of the bulk-power system to withstand sudden disturbances.

(4) GRID RESILIENCE.—The term ''grid resilience'' means the ability of the electric grid to adapt to changing physical conditions and withstand and rapidly recover from significant disturbances, including natural disasters, cyber-attacks, and other unforeseen events.

(5) INDEPENDENT SYSTEM OPERATOR.—The term ''Independent System Operator'' has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(6) REGIONAL TRANSMISSION ORGANIZATION.—The term ''Regional Transmission Organization'' has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(7) RESOURCE ADEQUACY.—The term ''resource adequacy'' means the ability of the electric

system to meet the aggregate electrical demand and energy requirements of end-use customers at all times, accounting for scheduled and reasonably expected unscheduled outages of bulk-power system components.

(8) TRANSMISSION PROVIDER.—The term ''transmission provider'' means—

(A) a public utility (as defined in section 201(e) of the Federal Power Act (16 U.S.C. 824(e))) that owns, operates, or controls 1 or more transmission facilities;

(B) an Independent System Operator; and

(C) a Regional Transmission Organization.

**SEC. 3. RULEMAKING TO IMPROVE INTERCONNECTION QUEUE FLEXIBILITY.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Commission shall initiate a rulemaking—

(1) to address the inefficiencies and ineffectiveness of existing procedures for processing interconnection requests to ensure that new power projects that improve grid reliability and resource adequacy can interconnect to the electric grid quickly, cost-effectively, and reliably; and

(2) to amend the pro forma Large Generator Interconnection Procedures and, as appropriate, the pro forma Large Generator Interconnection Agreement, promulgated pursuant to section 35.28(f) of title 18, Code of Federal Regulations (or successor regulations)—

(A) to authorize transmission providers to submit proposals to the Commission to adjust the interconnection queue of the transmission provider to prioritize new power projects that will improve grid reliability and resource adequacy by assigning those projects higher positions in the interconnection queue; and

(B) to require transmission providers—

(i) to provide in any proposal described in subparagraph (A)—

(I) a demonstration of need for prioritization of the relevant projects; and

(II) a description of how the prioritization of those projects will improve grid reliability or grid resilience;

(ii) to provide a process for public comment and stakeholder engagement be-

fore a proposal described in subparagraph (A) is submitted to the Commission; and

(iii) to provide regular reporting to the Commission on the state of grid reliability and grid resilience, including reporting on any actions taken pursuant to this Act.

(b) COMMISSION APPROVAL.—To ensure timely responses to grid reliability concerns, not later than 60 days after a proposal is submitted pursuant to subsection (a)(2), the Commission shall—

(1) review the proposal; and

(2) approve or deny the proposal.

(c) DEADLINE FOR FINAL RULE.—Not later than 180 days after the date of enactment of this Act, the Commission shall promulgate final regulations to complete the rulemaking initiated under subsection (a).

(d) PERIODIC REVIEW.—Not less frequently than once every 5 years, the Commission shall review and, if necessary, update the regulations promulgated under this section to ensure that those regulations remain effective and relevant to evolving grid reliability and grid resilience challenges.