

Power Resource and Financial Planning Committee\*

August 28, 2023

CONSIDERATION OF PROPOSED FEDERAL REGULATORY STANDARDS ADDED TO PURPA BY THE INFRASTRUCTURE INVESTMENT AND JOBS ACT OF 2021

Adopted   ✓  

Rejected       

Postponed       

R E S O L U T I O N

WHEREAS, On November 15, 2021, President Biden signed into law the Infrastructure Investment and Job Act of 2021 (“IIJA”); and

WHEREAS, Section 40104(a)(1) of the IIJA amended the Public Utility Regulatory Policy Act of 1978 (“PURPA”) to add a new Section 111(d)(20), a proposed regulatory standard on demand-response practices; and

WHEREAS, Section 40431(a) of the IIJA amended PURPA to add a new Section 111(d)(21), a proposed regulatory standard on electric vehicle charging programs; and

WHEREAS, Under Section 112(b) of PURPA, as amended by Sections 40104(a)(2) and 40431(b)(1) of the IIJA, each state regulatory authority and each “nonregulated electric utility” has one year from the date of enactment of the IIJA (November 15, 2022) to commence consideration of these two proposed regulatory standards and two years from the date of enactment of the IIJA (November 15, 2023) to make a determination with respect to these standards; and

WHEREAS, In a resolution adopted by the Board of Directors of the Authority (the “Board of Directors”) on August 22, 2022, the Board of Directors directed the President and Chief Executive Officer of the Authority to appoint a panel of qualified employees to conduct public hearings on the two proposed PURPA standards; and

WHEREAS, Pursuant to the August 22, 2022 Board of Directors Resolution, the President and Chief Executive Officer of the Authority appointed a panel to hold public hearings on the proposed regulatory standards and to prepare a report recommending whether the Authority should adopt all or any part of these regulatory standards: and

WHEREAS, Public hearings were held on May 8, 2023, and May 9, 2023; and

WHEREAS, The hearing panel reported the hearing testimony indicates the Authority’s current practices meet or exceed the two proposed PURPA standards and further recommends adoption of both proposed standards; and

WHEREAS, The Board of Directors had the opportunity to review the record of such hearings, the recommendation of the hearing panel, and consult with the Authority's management and legal counsel; and

WHEREAS, In reliance upon the information provided to it as set forth herein, the Board of Directors has considered and appropriately balanced the factors set forth in South Carolina Code Ann. Section 58-31-55(A)(3) and determined the adoption of the two proposed regulatory standards added to PURPA by the IIJA is in the best interests of the Authority; now, therefore be it

RESOLVED, The Board adopts the standards set forth in Sections 40104(a)(2) and 40431(b)(1) of the IIJA; and be it further

RESOLVED, This concludes the Authority's formal consideration of the two proposed regulatory standards added to PURPA by IIJA.

*\*If approved by the Committee, this resolution will be referred to the full Board for approval.  
**This resolution was referred to and approved by the full Board.***