

August 22, 2022

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 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*, The Authority is a “nonregulated electric utility” as defined in PURPA.

*NOW, THEREFORE, BE IT RESOLVED*, That the President and Chief Executive Officer of the Authority is hereby directed to commence consideration of the two regulatory standards added by Sections 111(d)(20), and 111(d)(21) of PURPA; and

*BE IT FURTHER RESOLVED*, That in complying with the aforementioned sections of PURPA, the President and Chief Executive Officer of the Authority is authorized and directed to appoint a panel to conduct the public hearing required by PURPA for consideration of these standards, and that the following administrative procedure be adhered to:

- a. The hearing shall be conducted in a county in which the Authority has direct service customers;
- b. Public notice of this hearing shall be given by paid advertising in newspapers of general circulation in the counties of Berkeley, Georgetown and Horry;

- c. A record of such hearing shall be prepared, which record shall consist of a verbatim transcript of the testimony given at such hearing and all documentary evidence received thereat;
- d. A copy of the record of each such hearing shall be furnished to each member of the Board, through the President and Chief Executive Officer, together with a summary thereof prepared by the panel which conducted such a hearing and the recommendations of such panel; and

BE IT FURTHER RESOLVED, That the President and Chief Executive Officer is authorized and directed to prescribe such additional procedural rules and guidelines as will ensure that the provisions of PURPA are fully complied with and that the Board will receive all information deemed necessary or desirable to enable the Board to make an informed determination whether it is appropriate to adopt each such standard.

*\*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.***