

**AMENDMENT OFFERED BY MR. POMPEO OF
KANSAS
TO THE AMENDMENT IN THE NATURE OF A
SUBSTITUTE FOR H.R. 8**

Page 44, line 2, strike the closed quotation mark and the final period.

Page 44, after line 2, insert the following:

1 “(23) SUBSIDIZATION OF CUSTOMER-SIDE
2 TECHNOLOGY.—

3 “(A) CONSIDERATION.—To the extent that
4 a State regulatory authority may require or
5 allow rates charged by any electric utility for
6 which it has ratemaking authority to electric
7 consumers that do not use a customer-side
8 technology to include any cost, fee, or charge
9 that directly or indirectly cross-subsidizes the
10 deployment, construction, maintenance, or oper-
11 ation of that customer-side technology, such au-
12 thority shall evaluate whether subsidizing the
13 deployment, construction, maintenance, or oper-
14 ation of a customer-side technology would—

1 “(i) result in benefits predominately
2 enjoyed by only the users of that customer-
3 side technology;

4 “(ii) shift costs of a customer-side
5 technology to electricity consumers that do
6 not use that customer-side technology, par-
7 ticularly where disparate economic or re-
8 source conditions exist among the elec-
9 tricity consumers cross-subsidizing the cus-
10 tomer-side technology;

11 “(iii) negatively affect resource utiliza-
12 tion, fuel diversity, or grid security;

13 “(iv) provide any unfair competitive
14 advantage to market the customer-side
15 technology; and

16 “(v) be necessary to fulfill an obliga-
17 tion to serve electric consumers.

18 “(B) PUBLIC NOTICE.—Each State regu-
19 latory authority shall make available to the pub-
20 lic the evaluation completed under subpara-
21 graph (A) at least 90 days prior to any pro-
22 ceedings in which such authority considers the
23 cross-subsidization of a customer-side tech-
24 nology.

1 “(C) CUSTOMER-SIDE TECHNOLOGY.—For
2 purposes of this paragraph, the term ‘customer-
3 side technology’ means a device connected to
4 the electricity distribution system—
5 “(i) at, or on the customer side of, the
6 meter; or
7 “(ii) that, if owned or operated by or
8 on behalf of an electric utility, would other-
9 wise be at, or on the customer side of, the
10 meter.”.

Page 44, line 12, insert “, as applicable,” after
“electric utility”.

Page 44, line 15, strike “and (22)” and insert “,
(22), and (23)”.

Page 44, line 21, insert “, as applicable,” after
“electric utility”.

Page 44, line 24, strike “and (22)” and insert “,
(22), and (23)”.

Page 45, line 22, strike “(22)” and insert “(23)”.

Page 46, line 9, strike “, or (22)” and insert “,
(22), or (23)”.

