

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend the Federal Power Act to exempt consumer-regulated electric utilities from Federal regulation, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. COTTON introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Federal Power Act to exempt consumer-regulated electric utilities from Federal regulation, and for other purposes.

1       *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Decentralized Access  
5   to Technology Alternatives Act of 2026” or the “DATA  
6   Act of 2026”.

7   **SEC. 2. DEFINITIONS.**

8       In this Act:

9                   (1) BULK-POWER SYSTEM.—The term “bulk-  
10          power system” has the meaning given the term in

1       section 215(a) of the Federal Power Act (16 U.S.C.  
2       824o(a)).

3                   (2) CONSUMER-REGULATED ELECTRIC UTILITY;  
4       CREU.—The term “consumer-regulated electric  
5       utility” or “CREU” means an electric generation  
6       and supply system that—

7                   (A) is established—

8                       (i) after the date of enactment of this  
9       Act; and

10                       (ii) exclusively for the purpose of serv-  
11       ing new electric loads that were not pre-  
12       viously served by any retail electricity sup-  
13       plier;

14                   (B) may own, construct, and operate facili-  
15       ties necessary for generation, energy storage,  
16       transmission, distribution, and the retail supply  
17       of electricity;

18                   (C) may sell electricity at retail to eligible  
19       CREU customers, subject to the condition that  
20       the system is physically islanded from—

21                       (i) all regulated utilities;

22                       (ii) the bulk-power system; and

23                       (iii) the Bulk Electric System (as de-  
24       fined by the Electric Reliability Organiza-  
25       tion);

1 (D) engages in any combination of—  
2 (i) generating electricity;  
3 (ii) transmitting electricity;  
4 (iii) distributing electricity; or  
5 (iv) selling electricity at retail to con-  
6 sumers;

7 (E) is not connected to the bulk-power sys-  
8 tem or any other electric transmission or dis-  
9 tribution system for primary or backup supply;  
10 and

10 and

11 (F) operates independently of any public  
12 utility.

### 13 (3) ELECTRIC RELIABILITY ORGANIZATION.—

14 The term “Electric Reliability Organization” has the  
15 meaning given the term in section 215(a) of the  
16 Federal Power Act (16 U.S.C. 824o(a)).

19 (A) purchases electricity at retail from a  
20 consumer-regulated electric utility;

21 (B) receives electric service exclusively  
22 through facilities owned, constructed, or oper-  
23 ated by consumer-regulated electric utilities;  
24 and

1 (C) is located within premises that are  
2 physically islanded from—  
3 (i) all regulated utilities;  
4 (ii) the bulk-power system; and  
5 (iii) the Bulk Electric System (as de-  
6 fined by the Electric Reliability Organiza-  
7 tion).

## 12 SEC. 3. FEDERAL POWER ACT EXEMPTION.

## 13 A consumer-regulated electric utility—

14 (1) shall be exempt from regulation under the  
15 Federal Power Act (16 U.S.C. 791a et seq.), includ-  
16 ing with respect to—

17 (A) rate regulation;

18 (B) corporate or financial oversight;

19 (C) transmission or distribution regulation;

(D) reliability standards under section 215 of that Act (16 U.S.C. 824o);

22 (E) interconnection requ

23 (F) participation in regional tra

24 planning or cost allocation; and

1 (G) merger, consolidation, acquisition, or  
2 disposition approval under section 203 of that  
3 Act (16 U.S.C. 824b);  
4 (2) shall not be considered to be a public utility  
5 for purposes of that Act;  
6 (3) shall not be considered to be a part of—  
7 (A) the bulk-power system; or  
8 (B) the Bulk Electric System (as defined  
9 by the Electric Reliability Organization); and  
10 (4) shall not be required to register with the  
11 Electric Reliability Organization or comply with reli-  
12 ability standards, unless the consumer-regulated  
13 electric utility voluntarily elects to connect to the  
14 bulk-power system.

## 15 SEC. 4. EXEMPTION OF NEW CREUS FROM FERC AND DOE

16 **REGULATION.**

17 (a) IN GENERAL.—Notwithstanding any other provi-  
18 sion of law, a consumer-regulated electric utility that be-  
19 gins operations on or after the date of enactment of this  
20 Act shall be exempt from Federal regulation with respect  
21 to matters under the jurisdiction of the Federal Energy  
22 Regulatory Commission or the Secretary of Energy, in-

## 25. Grading

9 (b) BEGINNING OF OPERATIONS.—For purposes of  
10 subsection (a), the date on which a consumer-regulated  
11 electric utility begins operations is the date on which the  
12 consumer-regulated electric utility first generates, trans-  
13 mits, distributes, or sells electricity.

14 (c) TERMINATION OF EXEMPTION.—If a consumer-  
15 regulated electric utility elects to connect to any portion  
16 of the bulk-power system or any other electric trans-  
17 mission or distribution system for primary or backup sup-  
18 ply, the consumer-regulated electric utility shall, imme-  
19 diately on making that connection—

20 (1) cease being a consumer-regulated electric  
21 utility; and

22 (2) become subject to all Federal regulation ap-  
23 plicable to the consumer-regulated electric utility  
24 from which the consumer-regulated electric utility  
25 was exempt under subsection (a).

**1 SEC. 5. PURPA EXEMPTION.**

2       Section 210 of the Public Utility Regulatory Policies  
3   Act of 1978 (16 U.S.C. 824a-3) is amended by adding  
4   at the end the following:

5       “(o) CONSUMER-REGULATED ELECTRIC UTILI-  
6   TIES.—

7           “(1) IN GENERAL.—Nothing in this section ap-  
8   plies to a consumer-regulated electric utility (as de-  
9   fined in section 2 of the DATA Act of 2026).

10          “(2) EXEMPTION.—A consumer-regulated elec-  
11   tric utility (as defined in section 2 of the DATA Act  
12   of 2026) shall not be required to interconnect with,  
13   purchase from, or sell to an electric utility under  
14   this section.”.

**15 SEC. 6. PUHCA EXEMPTION.**

16       Section 1268 of the Public Utility Holding Company  
17   Act of 2005 (42 U.S.C. 16456) is amended—

18           (1) in the matter preceding paragraph (1), by  
19   striking “Except” and inserting the following:

20          “(a) IN GENERAL.—Except”; and

21           (2) by adding at the end the following:

22          “(b) CONSUMER-REGULATED ELECTRIC UTILI-  
23   TIES.—No provision of this subtitle shall apply to any  
24   holding company solely by reason of its ownership or con-  
25   trol of a consumer-regulated electric utility (as defined in  
26   section 2 of the DATA Act of 2026).”.

1 **SEC. 7. FACILITIES LOCATED WITHIN PUBLIC RIGHTS-OF-**  
2 **WAY.**

3 (a) IN GENERAL.—A consumer-regulated electric  
4 utility may construct and operate facilities within existing  
5 public rights-of-way, subject to the same permitting, res-  
6 toration, and public-safety requirements applicable to a  
7 public utility (as defined in section 201(e) of the Federal  
8 Power Act (16 U.S.C. 824(e))).

9 (b) LIMITATION.—Notwithstanding subsection (a),  
10 the review of an application for the construction or oper-  
11 ation of a facility within an existing public right-of-way  
12 by a consumer-regulated electric utility shall be confined  
13 exclusively to the adequacy of—  
14 (1) right-of-way restoration; and  
15 (2) storm-response planning.