

AN ACT

1 Imposing a Statewide moratorium on hyperscale data center
2 development and permitting; and providing for enforcement.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Statewide
7 Hyperscale Data Center Moratorium Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Hyperscale data center." As follows:

13 (1) A retail electric customer facility that:

14 (i) is used primarily or exclusively for electronic
15 information services such as the management, storage,
16 processing and dissemination of electronic data and
17 information through the use of computer systems, servers,

1 networking equipment and related components; and

2 (ii) has an aggregate monthly maximum demand of
3 either of the following minimum thresholds:

4 (A) for an electric distribution company whose
5 peak load is equal to or above 2,500 megawatts, 20
6 megawatts; or

7 (B) for an electric distribution company whose
8 peak load is less than 2,500 megawatts, one megawatt.

9 (2) For the purpose of calculating the aggregate minimum
10 thresholds under paragraph (1):

11 (i) The sum of all load of the retail electric
12 customer's affiliated companies and companies with common
13 ownership shall be included.

14 (ii) If there are multiple facilities at a single
15 location of less than the applicable minimum thresholds,
16 but the aggregate total load is greater than the minimum
17 thresholds, all the multiple facilities shall be
18 included.

19 Section 3. Moratorium

20 (a) Imposition.--A moratorium is imposed on:

21 (1) The development or permitting of any new
22 construction or expansion of a hyperscale data center in this
23 Commonwealth.

24 (2) The expansion of a data center that is not currently
25 a hyperscale data center but, if expanded, would become a
26 hyperscale data center.

27 (3) Data center infrastructure such as new power
28 generating facilities and utility transmission infrastructure
29 required to power a hyperscale data center.

30 (b) Duration.--The moratorium is in effect for 36 months

1 from the effective date of this subsection.

2 (c) Prohibition.--The Commonwealth, a governmental agency
3 and a political subdivision and public benefit corporation of
4 the Commonwealth may not, regardless of when the application was
5 or is received, accept an application, or issue a permit or
6 approval based on an application, for the siting, construction
7 or commencement of operation of a data center during the
8 moratorium.

9 Section 4. Enforcement.

10 (a) Effect of noncompliance.--Action by a Commonwealth
11 agency or municipality in violation of this act is void.

12 (b) Attorney General.--The Attorney General of the
13 Commonwealth may bring an action in a court of competent
14 jurisdiction to enforce this act.

15 Section 5. Effective date.

16 This act shall take effect immediately.