November 5, 2026

Re: Bipartisan American Affordability and Jobs Act (BAAJA - S.5653)

Dear Senator and Legislative Director,

Consumer Reports (CR)[1] strongly supports key provisions in the Bipartisan American Affordability and Jobs Act (S. 5653) that would 1) protect ratepayers from cost shifting related to data centers and other large load customers 2) make it easier to plan and build more efficient transmission lines and get more value out of existing grid infrastructure and 3) help local jurisdictions speed up permitting for home energy upgrades such as solar, home batteries, and EV chargers.

1) As electricity costs rise for households across the country, S.5653's data center and large load customer provisions[2] can help limit the costs and risks that rapid growth in energy-intensive facilities can shift onto residential customers and small businesses.

Data centers and other large loads can bring real economic benefits. But their extraordinary and often highly concentrated demand for electricity can require major new investments in generation, storage, transmission, and distribution infrastructure. Without explicit federal protections, utilities may recover those costs broadly through customer rates—even where the new facility is the primary reason the investment is needed. Consumers should not be left paying for infrastructure built to serve a private large-load customer, particularly if that customer scales back, delays, or abandons its project.

According to a nationally representative survey conducted by CR in November 2025, 78% of Americans are concerned that their energy bills will increase because of new data centers being built across the country.[3] A second nationally representative survey from spring 2026 showed that increased energy demand from data centers is one of the top 2 factors Americans see as affecting the cost of their electricity.[4] Residential electricity prices jumped 7.1 percent in

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[1] Founded in 1936, Consumer Reports (CR) is an independent, nonprofit, and nonpartisan organization that works with consumers to create a fair and just marketplace. Known for its rigorous testing and ratings of products, CR advocates for laws and company practices that put consumers first. CR is dedicated to amplifying the voices of consumers to promote safety, digital rights, financial fairness, and sustainability. The organization surveys millions of Americans every year, reports extensively on the challenges and opportunities for today's consumers, and provides ad-free content and tools to five million members across the United States.

[2] U.S. Senate, Bipartisan American Affordability and Jobs Protection Act (S.5653), Section 2017, available at: https://www.congress.gov/bill/119th-congress/senate-bill/5653/text

[3] Consumer Reports nationally representative survey of 2,146 Americans fielded in November of 2025 https://article.images.consumerreports.org/image/upload/v1765637158/prod/content/dam/surveys/Consumer_Reports_AES_November_2025.pdf

[4] Consumer Reports nationally representative survey of 2,003 Americans fielded in April and May of 2026 https://article.images.consumerreports.org/image/upload/v1786475744/Consumer_Reports_Energy_Fairness_April_May_2026_pydlrg.pdf

2025—more than double the inflation rate—and topped 20 percent in some states, according to federal data. The AI data center rush isn't the only factor driving up prices—others include inflation and an aging power grid—but it's a significant one.[5]

S. 5653 establishes a critically important national floor: other customers may not be charged the incremental costs associated with serving covered large loads of 20 megawatts or more. It appropriately recognizes that those costs include generation, energy storage, transmission, and distribution investments. The bill also helps protect customers from stranded costs by maintaining the large-load customer's responsibility for applicable infrastructure costs when it departs before those investments have been fully paid for. It further changes federal transmission pricing so computational loads can be responsible for both their share of the existing transmission system and incremental transmission costs.

S. 5653 also includes provisions requiring utilities to obtain financial assurances before constructing infrastructure to serve the load. States may charge data centers more than incremental cost and use the surplus to reduce other customers' bills, and may condition service on the data center procuring or constructing new generation. States may also offer service that limits when or how much electricity the facility can take, providing a robust statutory foundation for large-load flexibility/demand response.[6]

Overall, these provisions provide a strong foundation for reducing cost and risks imposed on existing ratepayers from rapid data center development, but alone will not completely insulate Americans from all such risks. Consumer Reports recently published an analysis that found at least a dozen mechanisms by which rapid data center development can increase costs for existing ratepayers.[7] Our initial analysis of this legislation indicates that it at least partially addresses five of the twelve mechanisms identified.

2) CR also supports S.5653's provisions to make it easier to plan and build efficient transmission lines and other grid infrastructure.[8] A stronger transmission system can give consumers access to a wider range of lower-cost electricity resources, reduce costly grid congestion, improve reliability, and make the system better able to withstand outages and other disruptions. S. 5653 would strengthen regional and interregional transmission planning, encourage planners to consider consumer benefits and the cost of delivered electricity, and facilitate the use of reconductoring and advanced transmission technologies that can increase the capacity of existing lines and rights-of-way. Importantly, the legislation also recognizes a fundamental ratepayer principle: customers who receive little or no benefit from a transmission

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[5] Greenfield, Nicole. *AI Data Centers' Impact on Electric Bills, Water and More, Consumer Reports*, 3/20/26, available at: https://www.consumerreports.org/data-centers/ai-data-centers-impact-on-electric-bills-water-and-more-a1040338678/

[6] Provisions included in Bipartisan American Affordability and Jobs Act (S.5653), Title IV, Division B, Committee on Energy and Natural Resources, Title I - Electric Transmission,available at: https://www.congress.gov/bill/119th-congress/senate-bill/5653/text.

[7] Consumer Reports, Paying Their Own Way: A Framework for Evaluating Data Center Electricity Agreements, October 2026. https://innovation.consumerreports.org/Consumer-Reports-Paying-Their-Own-Way-compressed.pdf

[8] U.S. Senate, Bipartisan American Affordability and Jobs Protection Act (S.5653),Sections 2103-2016, available at: https://www.congress.gov/bill/119th-congress/senate-bill/5653/text

investment should not be required to bear an unfair share of its costs. Taken together, these provisions can help ensure that needed grid expansion is planned efficiently and delivers tangible affordability and reliability benefits to consumers.

3) We also strongly support S. 5653's provisions to encourage faster, simpler local permitting for household energy technologies such as rooftop solar, home batteries, and electric-vehicle chargers.[9] The legislation authorizes federal support to help states, counties, localities, and Tribal governments adopt voluntary streamlined permitting and inspection systems, including online permitting, technical assistance, training, and more efficient inspection practices. Permitting delays and inconsistent local processes can add unnecessary time and expense to relatively straightforward home energy improvements. Helping local governments modernize these systems can reduce "soft costs" for consumers, make beneficial technologies easier to adopt, and allow more households to generate, store, and manage their own electricity. These provisions complement the bill's large-load protections by addressing affordability from both directions: ensuring that very large customers pay the costs they cause while making it easier for ordinary consumers to invest in technologies that can lower household energy costs and reduce stress on the grid. CR also supports the other provisions in Section 2108 to facilitate market access for distributed, “behind the meter” resources such as batteries, backup generators, fuel cells and similar equipment at homes and businesses.

Consumer Reports appreciates your leadership in recognizing that permitting and infrastructure policy must be paired with strong pro-consumer affordability protections. We urge Congress to protect the key ratepayer-oriented provisions referenced above as S. 5653 moves forward, so these sections of the bill can remain intact and deliver highly positive results for consumers throughout the country.

Sincerely,



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[9] Ibid., see Section 2108.