#### 103D CONGRESS 2D SESSION H. R. 5247

To provide for extensions and modifications of certain hydro and renewable energy programs.

#### IN THE HOUSE OF REPRESENTATIVES

October 7, 1994

Mr. Sharp (for himself and Mr. MOORHEAD) introduced the following bill; which was referred to the Committee on Energy and Commerce

### A BILL

To provide for extensions and modifications of certain hydro and renewable energy programs.

1 Be it enacted by the Senate and House of Representa-

2 tives of the United States of America in Congress assembled,

3 SECTION. 1. EXTENSIONS OF DEADLINES FOR HYDRO-4 **POWER PROJECTS.** 

5 (a) IN GENERAL.—Notwithstanding the time limita-6 tions of section 13 of the Federal Power Act (16 U.S.C. 7 806), the Federal Energy Regulatory Commission, upon 8 the request of the licensees for FERC Projects No. 3701, 9 3943, 3944, 4204, 4474, 4660, 4659, 4797, 6901, 6902, 10 9423, and 10228 (and after reasonable notice), is author-

ized, in accordance with the good faith, due diligence, and 1 public interest requirements of such section 13 and the 2 3 Commission's procedures under such section, to extend the time required for commencement of construction for each 4 such project for a maximum of 2 years. This section shall 5 take effect for each such project upon the expiration of 6 7 the extension (issued by the Commission under such section 13 or by Act of Congress) of the period required for 8 9 commencement of construction of such project.

(b) TERMINATION.—The authorization for issuing ex-10 tensions under this section shall terminate 3 years after 11 the date of enactment of this section. To facilitate requests 12 for extensions, the Commission may consolidate the re-13 quests. The Commission shall, in the case of any project 14 15 referenced in subsection (a) that has had more than 2 extensions under the Federal Power Act or any other provi-16 sion of law, shall examine and, at the time of granting 17 extensions under this Act, report to the Congress the rea-18 sons for delay in construction by each licensee and the 19 Commission's views on the ability of the licensee to comply 20 with the construction requirements of the Federal Power 21 22 Act before the end of such extension.

#### 23 SEC. 2. REINSTATEMENT

24 (a) IN GENERAL.—The Federal Energy Regulatory25 Commission authorized and directed to reinstate effective

May 23, 1993, in accordance with the good faith, due dili-1 2 gence, and public interest requirements of section 13 of the Federal Power Act (16 U.S.C. 806) and the Commis-3 sion's procedures under such section, the hydroelectric li-4 5 cense previously issued for Project No. 7829. Commencement of construction within the meaning of section 13 of 6 7 the Federal Power Act shall commence within 4 years of such date. 8

9 (b) TERMINATION.—The authorization under this 10 section shall terminate 3 years after the date of enactment 11 of this section.

12 SEC. 3. EXEMPTION OF PORTION OF EL VADO HYDRO-13ELECTRIC PROJECT FROM LICENSING RE-14QUIREMENT OF PART I OF THE FEDERAL15POWER ACT.

16 (a) EXEMPTION.—The Federal Energy Regulatory Commission shall provide that the 69 KV transmission 17 line, including the right-of-way, which originates in the 18 switchyard of the El Vado Hydroelectric Project, New 19 Mexico (FERC project numbered 5226) and extends north 20to the Spills Switching Station operated by the Northern 21 22 Rio Arriba Electric Cooperative, Inc. ("NORA"), located in Rio Arriba County, New Mexico may be exempt for the 23 24 term of the applicable license from so much of part I of the Federal Power Act as the Commission deems nec-25

essary to permit NORA to effectively and prudently utilize 1 its system in conjunction with, and in furtherance of, the 2 license unless the Commission finds after reasonable no-3 4 tice that such exemption is not in the public interest. The 5 Commission shall initiate this action upon application of the licensee made within 120 days after the enactment of 6 this Act, and the Commission shall provide such exemption 7 without delay. 8

# 9 SEC. 4. CERTAIN PROJECTS UNDER THE FEDERAL POWER 10 ACT IN ALASKA.

11 (a) AMENDMENT TO SECTION 2407(a).—Section 12 2407(a) of the Energy Policy Act of 1992 is amended by 13 striking "may" and inserting "shall, in the case of the 14 projects referenced in paragraphs (1) and (3) of this sub-15 section and may, in the case of the project in paragraph 16 (2) of this subsection.".

17 (b) AMENDMENT TO SECTION 2407(f).—Section 2407(f) of such Act is amended by adding the following 18 new sentence at the end thereof: "The Commission shall, 19 on its own motion, provide such exemption at any time 20 21 after the enactment of this sentence, taking into consider-22 ation any application filed with the Commission prior to 23 such enactment. The Commission shall report to the Con-24 gress the actions taken under this section and if the Com-25 mission fails to grant any such exemption in paragraphs 1 (1) and (3) of subsection (a), shall explain the reasons2 for such failure.".

#### **3** SEC. 5. HAWAII LEGISLATIVE REPORT.

4 The Federal Energy Regulatory Commission, taking 5 into consideration the Commission's Study, April 13, 1994, of Hydroelectric Licensing in the State o Hawaii, 6 7 shall initiate a proceeding for the purpose of making rec-8 ommendations to the Congress in the first session of the 9 104th Congress for legislation to provide for the transfer 10 to the State of Hawaii of all or part of the Commission's authority under the Federal Power Act for the licensing 11 of new hydroelectric projects in the State of Hawaii with-12 13 out affecting the applicability of other Federal environmental laws and regulations to such projects, without 14 transferring such authority to the State in the case of any 15 such projects that could conflict with the management and 16 operation of any National Wildlife Refuge or National 17 Park in Hawaii, and without, to the greatest extent pos-18 sible, establishing a precedent with respect to other States, 19 Guam, the Virgin Islands, and the Commonwealth of 20 Puerto Rico. The Commission shall obtain the views of 21 22 the State of Hawaii and other Federal environmental agencies on any proposed legislative recommendation and 23 24 shall include such views in the report of the Commission 25 transferring the Commission's recommendations to the

Congress. The Commission shall include its views and rec ommendations and those of any individual member of the
 Commission.

## 4 SEC. 6. SIZE LIMITATIONS OF ELIGIBLE FACILITIES UNDER 5 PURPA.

6 Section 3(17)(E) of the Federal Power Act (16
7 U.S.C. 791a and following) is amended by striking
8 "1994" and inserting "1996".

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