

109TH CONGRESS
2D SESSION

H. R. 5823

To amend certain provisions of the Federal Power Act added by the Energy Policy Act of 2005 relating to the use of eminent domain authority for the construction of electric power lines, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2006

Mrs. KELLY introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend certain provisions of the Federal Power Act added by the Energy Policy Act of 2005 relating to the use of eminent domain authority for the construction of electric power lines, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Protecting Commu-
5 nities from Power Line Abuse Act” .

6 **SEC. 2. EMINENT DOMAIN AUTHORITY.**

7 Section 216 of the Federal Power Act (as added by
8 section 1221 of the Energy Policy Act of 2005) is amend-

1 ed by repealing subsections (f) and (g) and by amending
2 subsection (e) to read as follows:

3 “(e) ACQUISITION OF RIGHTS-OF-WAY.—In the case
4 of a permit under subsection (b) for electric transmission
5 facilities to be located on property other than property
6 owned by the United States or a State, if the permit hold-
7 er cannot acquire by contract, or is unable to agree with
8 the owner of the property to the compensation to be paid
9 for, the necessary right-of-way to construct or modify the
10 transmission facilities, the permit holder may acquire the
11 right-of-way in accordance with State law for the State
12 in which the property is located.”.

13 **SEC. 3. APPEAL TO PRESIDENT.**

14 Paragraph (6) of section 216(h) of the Federal Power
15 Act (as added by section 1221 of the Energy Policy Act
16 of 2005) is repealed.

17 **SEC. 4. COMMENT PERIOD.**

18 Section 216(d) of the Federal Power Act (as added
19 by section 1221 of the Energy Policy Act of 2005) is
20 amended by inserting “for a period of not less than one
21 year” after “reasonable opportunity” .

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