

Calendar No. 96

115TH CONGRESS
1ST SESSION

S. 215

[Report No. 115–77]

To authorize the Federal Energy Regulatory Commission to issue an order continuing a stay of a hydroelectric license for the Mahoney Lake hydroelectric project in the State of Alaska, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2017

Ms. MURKOWSKI (for herself and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

MAY 24, 2017

Reported by Ms. MURKOWSKI, without amendment

A BILL

To authorize the Federal Energy Regulatory Commission to issue an order continuing a stay of a hydroelectric license for the Mahoney Lake hydroelectric project in the State of Alaska, 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,*

1 **SECTION 1. STAY AND REINSTATEMENT OF FERC LICENSE**
2 **NO. 11393 FOR THE MAHONEY LAKE HYDRO-**
3 **ELECTRIC PROJECT.**

4 (a) DEFINITIONS.—In this section:

5 (1) COMMISSION.—The term “Commission”
6 means the Federal Energy Regulatory Commission.

7 (2) LICENSE.—The term “license” means the
8 license for the Commission project numbered 11393.

9 (3) LICENSEE.—The term “licensee” means the
10 holder of the license.

11 (b) STAY OF LICENSE.—On the request of the li-
12 censee, the Commission shall issue an order continuing the
13 stay of the license.

14 (c) LIFTING OF STAY.—On the request of the li-
15 censee, but not later than 10 years after the date of enact-
16 ment of this Act, the Commission shall—

17 (1) issue an order lifting the stay of the license
18 under subsection (b); and

19 (2) make the effective date of the license the
20 date on which the stay is lifted under paragraph (1).

21 (d) EXTENSION OF LICENSE.—

22 (1) IN GENERAL.—Notwithstanding the time
23 period specified in section 13 of the Federal Power
24 Act (16 U.S.C. 806) that would otherwise apply to
25 the Commission project numbered 11393, the Com-
26 mission may, at the request of the licensee, and

1 after reasonable notice, in accordance with the good
 2 faith, due diligence, and public interest requirements
 3 of, and the procedures of the Commission under,
 4 that section, extend the time period during which
 5 the licensee is required to commence the construc-
 6 tion of the project for not more than 3 consecutive
 7 2-year periods from the date of the expiration of the
 8 extension originally issued by the Commission.

9 (2) REINSTATEMENT OF EXPIRED LICENSE.—

10 (A) IN GENERAL.—If the period required
 11 for the commencement of construction of the
 12 project described in paragraph (1) has expired
 13 prior to the date of enactment of this Act, the
 14 Commission may reinstate the license effective
 15 as of the date of the expiration of the license.

16 (B) EXTENSION.—If the Commission rein-
 17 states the license under subparagraph (A), the
 18 first extension authorized under paragraph (1)
 19 shall take effect on the date of that expiration.

20 (e) EFFECT.—Nothing in this Act prioritizes, or cre-
 21 ates any advantage or disadvantage to, Commission
 22 project numbered 11393 under Federal law, including the
 23 Federal Power Act (16 U.S.C. 791a et seq.) or the Public
 24 Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601
 25 et seq.), as compared to—

- 1 (1) any electric generating facility in existence
2 on the date of enactment of this Act; or
3 (2) any electric generating facility that may be
4 examined, proposed, or developed during the period
5 of any stay or extension of the license under this
6 Act.

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