

[DISCUSSION DRAFT]

119TH CONGRESS  
1ST SESSION

H. R. \_\_\_\_\_

To require the Federal Energy Regulatory Commission to review regulations that may affect the reliable operation of the bulk-power system.

IN THE HOUSE OF REPRESENTATIVES

M\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

**A BILL**

To require the Federal Energy Regulatory Commission to review regulations that may affect the reliable operation of the bulk-power system.

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 “Reliable Power Act”.

5 **SEC. 2. COMMISSION REVIEW AND COMMENT FOR COV-**  
6 **ERED AGENCY ACTIONS.**

7 Section 215 of the Federal Power Act (16 U.S.C.

8 824o) is amended—

1 (1) in subsection (g)—

2 (A) by striking “The ERO” and inserting  
3 the following:

4 “(1) IN GENERAL.—The ERO”; and

5 (B) by adding at the end the following:

6 “(2) ANNUAL LONG-TERM ASSESSMENT.—The  
7 assessments under paragraph (1) shall include an  
8 annual long-term assessment, which shall include—

9 “(A) an analysis of existing and future  
10 generation resources;

11 “(B) an analysis of the ability of the bulk-  
12 power system to supply existing and future elec-  
13 tric energy demand at all times;

14 “(C) an analysis of the existing and future  
15 availability of non-intermittent, dispatchable  
16 generation resources to provide for the reliable  
17 operation of the bulk-power system; and

18 “(D) a determination of whether additional  
19 non-intermittent, dispatchable generation re-  
20 sources are necessary to maintain the reliability  
21 and adequacy of the bulk-power system.

22 “(3) NOTICE OF GENERATION INADEQUACY.—  
23 In conducting a long-term assessment under para-  
24 graph (2), if the ERO finds that the bulk-power sys-  
25 tem is at risk of not having adequate non-intermit-

1 tent, dispatchable generation resources to maintain  
2 the reliability of the bulk-power system, the ERO  
3 shall publicly notify the Commission that the bulk-  
4 power system is in a state of generation inad-  
5 equacy.”;

6 (2) by redesignating subsections (h) through (k)  
7 as subsections (i) through (l), respectively; and

8 (3) by inserting after subsection (g) the fol-  
9 lowing:

10 “(h) COMMISSION REVIEW AND COMMENT FOR COV-  
11 ERED AGENCY ACTIONS.—

12 “(1) NOTICE TO FEDERAL AGENCIES.—If the  
13 ERO notifies the Commission under subsection  
14 (g)(3) that the bulk-power system is in a state of  
15 generation inadequacy, the Commission shall  
16 promptly notify the Department of Energy, the En-  
17 vironmental Protection Agency, and any other Fed-  
18 eral agency the Commission determines appropriate  
19 of such state of generation inadequacy.

20 “(2) SUBMISSION.—Upon receiving notice  
21 under paragraph (1), the head of each Federal agen-  
22 cy that received such notice shall provide to the  
23 Commission for review and comment any covered  
24 agency action by the Federal agency—

1 “(A) on the first date on which such cov-  
2 ered agency action is provided to the Office of  
3 Management and Budget or any other Federal  
4 agency for review and comment; or

5 “(B) if such covered agency action is not  
6 provided to the Office of Management and  
7 Budget or any other Federal agency for review  
8 and comment, not later than 90 days before the  
9 date on which the covered agency action is pub-  
10 lished in the Federal Register or is otherwise  
11 made available for public inspection or com-  
12 ment.

13 “(3) COMMISSION COMMENTS.—The Commis-  
14 sion, in consultation with the ERO, shall, by order,  
15 provide to the agency head that provided to the  
16 Commission a covered agency action under para-  
17 graph (2)—

18 “(A) comments on such covered agency ac-  
19 tion, which such comments may include an as-  
20 sessment of the effect of the covered agency ac-  
21 tion on rates, terms, and conditions for services  
22 pursuant to the authority of the Commission  
23 under section 206; and

24 “(B) if applicable, recommendations for  
25 modifications to the covered agency action to

1 prevent a significant negative impact on the re-  
2 liability and adequacy of the bulk-power system.

3 “(4) AGENCY RESPONSE.—The head of a Fed-  
4 eral agency may not finalize a covered agency action  
5 that is provided to the Commission under paragraph  
6 (2) until—

7 “(A) the agency head responds in writing  
8 to the Commission with an explanation of how  
9 the agency head modified, or why the agency  
10 head determined not to modify, such covered  
11 agency action in response to any comments and  
12 recommendations provided by the Commission  
13 under paragraph (3); and

14 “(B) the Commission finds that the cov-  
15 ered agency action will not be likely to have a  
16 significant negative impact on the state of gen-  
17 eration adequacy or the reliability of the bulk-  
18 power system.

19 “(5) PUBLIC AVAILABILITY OF COMMENTS AND  
20 RESPONSES.—An agency head shall include any  
21 comments, recommendations, and responses for the  
22 covered agency action when—

23 “(A) submitting the covered agency action  
24 to the Federal Register for publication; or

1 “(B) otherwise making the covered agency  
2 action available for public inspection or com-  
3 ment.

4 “(6) DEFINITIONS.—In this subsection:

5 “(A) COVERED AGENCY ACTION.—The  
6 term ‘covered agency action’ means a regulation  
7 that—

8 “(i) relates to, or otherwise directly  
9 affects, any generating facility in the bulk-  
10 power system; and

11 “(ii) is under development to be pro-  
12 posed or otherwise under consideration in  
13 a rulemaking prior to finalization on the  
14 date on which the Federal agency receives  
15 notice from the Commission under para-  
16 graph (1).

17 “(B) FEDERAL AGENCY.—The term ‘Fed-  
18 eral agency’ means an Executive department  
19 (as that term is defined in section 101 of title  
20 5, United States Code) or any other Executive  
21 agency that is in the President’s cabinet.”.