

103^D CONGRESS
2^D 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-

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

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

23 **SEC. 2. REINSTATEMENT**

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

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

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-**
13 **ELECTRIC PROJECT FROM LICENSING RE-**
14 **QUIREMENT OF PART I OF THE FEDERAL**
15 **POWER ACT.**

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

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

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
18 2407(f) of such Act is amended by adding the following
19 new sentence at the end thereof: “The Commission shall,
20 on its own motion, provide such exemption at any time
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 reasons
2 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,
6 1994, of Hydroelectric Licensing in the State o Hawaii,
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
11 authority under the Federal Power Act for the licensing
12 of new hydroelectric projects in the State of Hawaii with-
13 out affecting the applicability of other Federal environ-
14 mental laws and regulations to such projects, without
15 transferring such authority to the State in the case of any
16 such projects that could conflict with the management and
17 operation of any National Wildlife Refuge or National
18 Park in Hawaii, and without, to the greatest extent pos-
19 sible, establishing a precedent with respect to other States,
20 Guam, the Virgin Islands, and the Commonwealth of
21 Puerto Rico. The Commission shall obtain the views of
22 the State of Hawaii and other Federal environmental
23 agencies on any proposed legislative recommendation and
24 shall include such views in the report of the Commission
25 transferring the Commission’s recommendations to the

1 Congress. The Commission shall include its views and rec-
2 ommendations and those of any individual member of the
3 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”.

○