

104TH CONGRESS  
2D SESSION

# H. R. 4316

To amend the Federal Power Act to provide a moratorium on the retail wheeling of electric energy until the Clean Air Act is amended to reduce significantly certain transboundary air pollution, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1996

Mr. PALLONE introduced the following bill; which was referred to the Committee on Commerce

---

## A BILL

To amend the Federal Power Act to provide a moratorium on the retail wheeling of electric energy until the Clean Air Act is amended to reduce significantly certain transboundary air pollution, 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. AMENDMENT TO FEDERAL POWER ACT.**

4       Part II of the Federal Power Act is amended by add-  
5       ing at the end the following new section:

6       **“SEC. 215. MORATORIUM ON RETAIL WHEELING.**

7       “(a) MORATORIUM.—After September 26, 1996, and  
8       until an amendment to the Clean Air Act has been enacted

1 into law to reduce significantly transboundary air pollu-  
2 tion associated with ozone and ozone precursors, PM-10,  
3 mercury, and carbon dioxide, neither the Federal Energy  
4 Regulatory Commission nor any State may permit any  
5 person to enter into any arrangement for the sale of elec-  
6 tric energy in interstate commerce to any retail electric  
7 customer located within the exclusive service territory of  
8 any State regulated or nonregulated electric utility serving  
9 retail electric customers in that State. The prohibition set  
10 forth in the preceding sentence shall not apply to—

11           “(1) the sale of electric energy by a State regu-  
12 lated electric utility or nonregulated electric utility  
13 to retail customers located within the exclusive serv-  
14 ice territory of such utility; or

15           “(2) the sale of electric energy pursuant to an  
16 arrangement entered into before September 26,  
17 1996.

18           “(b) DEFINITION.—For purposes of this section, the  
19 term ‘exclusive service territory’ means the service terri-  
20 tory served by an electric utility as of the date of enact-  
21 ment of this section or any modification of such territory  
22 adopted after the enactment of this section that prohibits  
23 more than a single electric utility from selling electric en-

1 ergy to retail customers within a specified geographic re-  
2 gion.”.

○