

110th CONGRESS
1st Session
S. 1972

A BILL

To amend the Federal Power Act to modify a provision relating to the siting of interstate electric transmission facilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended--

(1) in subsection (b)--

(A) in the matter preceding paragraph (1), by striking `subsection (i)' and inserting `subsection (h)'; and

(B) in paragraph (1)--

(i) in subparagraph (B), by striking `or' at the end; and

(ii) by striking subparagraph (C) and inserting the following:

`(C) a State commission or other State entity that has authority to approve the siting of facilities has approved the siting of a proposed facility; or

`(D) a State commission or other State entity that has authority to approve the siting of facilities has unreasonably withheld a determination, or delayed making a determination, regarding the siting of a proposed facility for a period of not less than 2 years after the date on which the applicable permit application was filed;';

(2) by striking subsections (e) and (f);

(3) by redesignating subsections (c), (d), (g), (h), (i), (j), and (k) as subsections (d), (e), (f), (g), (h), (i), and (j), respectively;

(4) by inserting after subsection (b) the following:

`(c) Effect of State Action- The [Federal Energy Regulatory] Commission shall not issue a permit under this section if a State commission or other State entity has denied an application for a permit for the same project submitted to the State commission or other entity during the 2-year period beginning on the date on which the permit application is submitted to the State commission or other entity.'; and

(5) in subsection (i)(2) (as redesignated by paragraph (3)), by striking `Subsection (h)(6)' and inserting `Subsection (g)(6)'.

END