

Calendar No. 420

115TH CONGRESS  
2D SESSION

**H. R. 1109**

**[Report No. 115–253]**

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IN THE SENATE OF THE UNITED STATES

JUNE 13, 2017

Received; read twice and referred to the Committee on Energy and Natural  
Resources

MAY 21, 2018

Reported by Ms. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## AN ACT

To amend section 203 of the Federal Power Act.

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. CLARIFICATION OF FACILITY MERGER AU-**  
4 **THORIZATION.**

5 Section 203(a)(1)(B) of the Federal Power Act (16  
6 U.S.C. 824b(a)(1)(B)) is amended by striking “such facili-  
7 ties or any part thereof” and inserting “such facilities, or  
8 any part thereof, of a value in excess of \$10,000,000”.

1 **SEC. 2. NOTIFICATION FOR CERTAIN TRANSACTIONS.**

2 Section 203(a) of the Federal Power Act (16 U.S.C.  
3 824b(a)) is amended by adding at the end the following  
4 new paragraph:

5 “(7)(A) Not later than 180 days after the date  
6 of enactment of this paragraph, the Commission  
7 shall promulgate a rule requiring any public utility  
8 that is seeking to merge or consolidate, directly or  
9 indirectly, its facilities subject to the jurisdiction of  
10 the Commission, or any part thereof, with those of  
11 any other person, to notify the Commission of such  
12 transaction not later than 30 days after the date on  
13 which the transaction is consummated if—

14 “(i) such facilities, or any part thereof, are  
15 of a value in excess of \$1,000,000; and

16 “(ii) such public utility is not required to  
17 secure an order of the Commission under para-  
18 graph (1)(B).

19 “(B) In establishing any notification require-  
20 ment under subparagraph (A), the Commission  
21 shall, to the maximum extent practicable, minimize  
22 the paperwork burden resulting from the collection  
23 of information.”.

24 **SEC. 3. EFFECTIVE DATE.**

25 The amendment made by section 1 shall take effect  
26 180 days after the date of enactment of this Act.

1 **SECTION 1. CLARIFICATION OF FACILITY MERGER AUTHOR-**  
 2 **IZATION.**

3 *Section 203(a)(1) of the Federal Power Act (16 U.S.C.*  
 4 *824b(a)(1)) is amended by striking subparagraph (B) and*  
 5 *inserting the following:*

6 *“(B) merge or consolidate, directly or indirectly,*  
 7 *its facilities subject to the jurisdiction of the Commis-*  
 8 *sion, or any part thereof, with the facilities of any*  
 9 *other person, or any part thereof, that are subject to*  
 10 *the jurisdiction of the Commission and have a value*  
 11 *in excess of \$10,000,000, by any means whatsoever;”.*

12 **SEC. 2. NOTIFICATION FOR CERTAIN TRANSACTIONS.**

13 *Section 203(a) of the Federal Power Act (16 U.S.C.*  
 14 *824b(a)) is amended by adding at the end the following new*  
 15 *paragraph:*

16 *“(7)(A) Not later than 180 days after the date*  
 17 *of enactment of this paragraph, the Commission shall*  
 18 *promulgate a rule requiring any public utility that is*  
 19 *seeking to merge or consolidate, directly or indirectly,*  
 20 *its facilities subject to the jurisdiction of the Commis-*  
 21 *sion, or any part thereof, with those of any other per-*  
 22 *son, to notify the Commission of such transaction not*  
 23 *later than 30 days after the date on which the trans-*  
 24 *action is consummated if—*

1           “(i) the facilities, or any part thereof, to be  
2           acquired are of a value in excess of \$1,000,000;  
3           and

4           “(ii) such public utility is not required to  
5           secure an order of the Commission under para-  
6           graph (1)(B).

7           “(B) In establishing any notification require-  
8           ment under subparagraph (A), the Commission shall,  
9           to the maximum extent practicable, minimize the pa-  
10          perwork burden resulting from the collection of infor-  
11          mation.”.

12 **SEC. 3. EFFECTIVE DATE.**

13          *The amendment made by section 1 shall take effect 180*  
14 *days after the date of enactment of this Act.*

15 **SEC. 4. FEDERAL ENERGY REGULATORY COMMISSION RE-**  
16 **PORT.**

17          (a) *IN GENERAL.*—Not later than 2 years after the  
18 *date of enactment of this Act, the Federal Energy Regu-*  
19 *latory Commission shall submit to Congress a report that*  
20 *assesses the effects of the amendment made by section 1.*

21          (b) *REQUIREMENTS.*—In preparing the report under  
22 *subsection (a), the Federal Energy Regulatory Commission*  
23 *shall—*

24               (1) *take into account any information collected*  
25 *under paragraph (7) of section 203(a) of the Federal*

1       *Power Act (16 U.S.C. 824b(a)) (as added by section*  
2       *2); and*  
3               *(2) provide for public notice and comment with*  
4       *respect to the report.*

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