

COLLINSVILLE RENEWABLE ENERGY PROMOTION ACT

FEBRUARY 4, 2013.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. UPTON, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 316]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 316) to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

CONTENTS

	Page
Purpose and Summary	2
Background and Need for Legislation	2
Hearings	2
Committee Consideration	3
Committee Votes	3
Committee Oversight Findings	3
Statement of General Performance Goals and Objectives	3
New Budget Authority, Entitlement Authority, and Tax Expenditures	3
Earmark, Limited Tax Benefits, and Limited Tariff Benefits	3
Committee Cost Estimate	3
Congressional Budget Office Estimate	3
Federal Mandates Statement	4
Duplication of Federal Programs	4
Disclosure of Directed Rule Makings	5
Advisory Committee Statement	5
Applicability to Legislative Branch	5
Section-by-Section Analysis of the Legislation	5
Changes in Existing Law Made by the Bill, as Reported	6

PURPOSE AND SUMMARY

H.R. 316, the “Collinsville Renewable Energy Promotion Act,” was introduced by Representative Elizabeth Esty on January 18, 2013. The purpose of H.R. 316 is to authorize the Federal Energy Regulatory Commission (FERC) to reinstate the terminated licenses for the Upper and Lower Collinsville Dams hydroelectric projects and to extend for two years after the date of any such reinstatement the date by which the licensee is required to commence construction, and, in the event that FERC reinstates the licenses, to require FERC to transfer such licenses to the town of Canton, Connecticut.

BACKGROUND AND NEED FOR LEGISLATION

The Upper and Lower Collinsville Dams on the Farmington River were built to provide hydroelectric power to an ax factory, which was shut down in 1966. The dams have not produced power since that time, but continue to block upstream fish passage.

On February 23, 2001, FERC issued original licenses to Summit Hydropower to redevelop hydroelectric power capacity at these dams. The Upper Collinsville Dam project was to have a generation capacity of 373 kilowatts, while the Lower Dam was to have a capacity of 920 kilowatts. As part of this licensing process, an environmental assessment was completed. The licenses required Summit to commence project construction within two years from the issuance of the licenses.

Section 13 of the Federal Power Act requires licensees to commence construction of hydroelectric projects within the time fixed in the license, which shall be no more than two years from the issuance of the license, and authorizes the Commission to issue one extension of the deadline, for no more than two years.

On November 26, 2002, FERC granted Summit a two-year extension to commence project construction at both sites, moving the deadline to February 23, 2005. Because construction did not commence by that date, the Commission sent Summit a notice of probable termination of the licenses on November 2, 2007. Summit did not respond to the notice. FERC terminated the licenses on December 4, 2007. Summit did not seek rehearing of the termination order.

The town of Canton, Connecticut intends to proceed with the two hydroelectric projects that Summit originally had proposed. On January 9, 2009, FERC granted the town a preliminary permit to undertake the necessary feasibility studies. The town has stated that it intends to pursue Low Impact Hydropower Institute certification for the projects and to provide for fish passage.

Identical legislation passed the House of Representatives in both the 111th and 112th Congresses as H.R. 4451 and H.R. 5625, respectively. H.R. 4451 was agreed to in the House by voice vote, under suspension of the rules, on June 16, 2010. H.R. 5625 passed the House by voice vote, under suspension of the rules, on June 26, 2012.

HEARINGS

The Committee on Energy and Commerce has not held hearings on the legislation in the 113th Congress.

COMMITTEE CONSIDERATION

On January 22, 2013, the Committee on Energy and Commerce met in open markup session. No amendments were offered during the markup, and the Committee ordered H.R. 316 favorably reported, by unanimous consent, to the House of Representatives.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. There was no record votes taken in connection with ordering H.R. 316 reported. A motion by Mr. Upton to order H.R. 316 reported to the House, without amendment, was agreed to by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has made oversight findings that are reflected in this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

H.R. 316 authorizes FERC to reinstate the terminated licenses for the Upper and Lower Collinsville Dams hydroelectric projects and to extend for two years after the date of any such reinstatement the date by which the licensee is required to commence construction, and, in the event that FERC reinstates the licenses, to require FERC to transfer such licenses to the town of Canton, Connecticut.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 316, the "Collinsville Renewable Energy Promotion Act," would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives, the Committee finds that H.R. 316, the "Collinsville Renewable Energy Promotion Act," contains no earmarks, limited tax benefits, or limited tariff benefits.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

JANUARY 31, 2013.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 316, the Collinsville Renewable Energy Promotion Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 316—Collinsville Renewable Energy Promotion Act

H.R. 316 would authorize the Federal Energy Regulatory Commission (FERC) to reinstate the licenses and extend the deadline for beginning construction of two hydroelectric projects (numbers 10822 and 10823) in Hartford County, Connecticut. The bill would direct FERC to update the environmental analyses associated with those projects and, if reinstated, transfer the licenses to the town of Canton, Connecticut.

Based on information from FERC, CBO estimates that implementing H.R. 316 would have a small impact on the agency's workload. Because FERC recovers 100 percent of its costs through user fees, any change in its administrative costs would be offset by an equal change in fees that the commission charges. Therefore, the legislation's provisions would have no net budgetary impact. Because FERC's administrative costs are controlled through annual appropriation acts, enacting H.R. 316 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 316 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Megan Carroll. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 316 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting H.R. 316 does not specifically direct the completion of any specific rule makings within the meaning of 5 U.S.C. 551.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF LEGISLATION

Section 1: Short title

This section provides that the short title of the bill is the “Collinsville Renewable Energy Promotion Act.”

Section 2: Reinstatement of expired licenses and extension of time to commence construction of projects

This section authorizes FERC to reinstate one or both of the terminated licenses for the Upper and Lower Collinsville Dams hydroelectric projects (numbered 10822 and 10823) and to extend for two years after the date on which either or each project is reinstated the time period by which the licensee is required to commence construction. Prior to taking such action, FERC is required to provide an opportunity for the submission of comments by interested persons, municipalities, and States and to consider any such comments that are timely submitted. The Committee intends that the terms “persons,” “municipalities,” and “States” be given the same meaning as they are given under the Federal Power Act. The Committee intends that FERC may establish an appropriate deadline for the submission of such comments.

Section 3: Transfer of licenses to the town of Canton, Connecticut

This section requires that, if, pursuant to section 2, FERC reinstates a license and extends the time period during which the licensee must commence construction, FERC shall transfer such license to the town of Canton, Connecticut.

Section 4: Environmental assessment

This section requires FERC to complete an environmental assessment for the Upper and Lower Collinsville Dams hydroelectric projects not later than 180 days after the date of enactment of this Act, updating, to the extent necessary, the environmental analysis that was previously performed during the original FERC licensing of these projects. After a 30-day public comment period, FERC is required to consider the public comments on the environmental assessment and to incorporate terms and conditions in the reinstated licenses that the Commission determines are necessary based on the environment assessment and public comments.

Section 5: Deadline

This section requires FERC to make a final decision under section 2 regarding the reinstatement of the licenses within 270 days of the date of enactment of the Act. If FERC reinstates one or both of the licenses and extends the deadline for commencing construc-

tion, the transfer of the license or licenses to the town of Canton must also take place within 270 days of the date of enactment of the Act.

Section 6: Protection of existing rights

This section clarifies that nothing in this Act shall affect any valid license issued by FERC under section 4 of the Federal Power Act on or before the date of enactment of this Act or diminish or extinguish any existing rights under any such license.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

