

110TH CONGRESS  
1ST SESSION

# H. R. 829

To amend the Federal Power Act to make certain changes in provisions relating to National Interest Transmission Corridors, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2007

Mr. WOLF (for himself, Mr. HINCHEY, Mr. TOM DAVIS of Virginia, Mr. GRIJALVA, Mr. ARCURI, and Mr. HALL of New York) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Federal Power Act to make certain changes in provisions relating to National Interest Transmission Corridors, 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. SHORT TITLE.**

4 This Act may be cited as the “National Interest Elec-  
5 tric Transmission Corridor Clarification Act”.

6 **SEC. 2. AMENDMENT OF FEDERAL POWER ACT.**

7 Section 216 of the Federal Power Act is amended as  
8 follows:

1           (1) In paragraph (4) of subsection (a), by  
2 amending subparagraph (C) to read as follows:

3           “(C) the designation would consider poten-  
4 tial impacts on natural values and special  
5 places considered to be in the national inter-  
6 est;”.

7           (2) By adding the following at the end of sub-  
8 section (a):

9           “(5) Before making any designation of a na-  
10 tional interest electric transmission corridor under  
11 this subsection, the Secretary shall conduct, and  
12 publish the results of, a thorough analysis of all al-  
13 ternatives measures, considered individually and in  
14 concert, that could be implemented to address the  
15 energy transmission constraints or congestion con-  
16 cerned, including an analysis of demand reduction,  
17 available new technology, and distributed generation  
18 measures that could be taken. The Secretary shall  
19 provide a reasonable opportunity for public comment  
20 on the analysis.

21           “(6) No designation of a national interest elec-  
22 tric transmission corridor under this subsection may  
23 encompass any lands on which development is pro-  
24 hibited or limited under any Federal or State law in  
25 order to protect scenic, natural, cultural, or historic

1 resources, including any park or historic battlefield  
2 sites designated as such under Federal or State law  
3 and resources within one mile of their respective  
4 boundaries.”.

5 (3) In subsection (b)(1), by striking the “or” at  
6 the end of subparagraph (B) and by striking sub-  
7 paragraph (C) and inserting the following:

8 “(C) a State commission or other State en-  
9 tity with authority to approve the siting of fa-  
10 cilities has disapproved the siting pursuant to a  
11 State decision that the Commission finds to  
12 have been arbitrary or capricious or otherwise  
13 an abuse of discretion; or

14 “(D) a State commission or other State  
15 entity with authority to approve the siting of fa-  
16 cilities has unreasonably withheld or delayed  
17 making a decision regarding the siting of the  
18 proposed facilities for at least one year after the  
19 filing of the permit application.”.

20 (4) In subsection (c), by adding the following  
21 new paragraph at the end thereof:

22 “(3) Each permit application shall include an  
23 engineering study of the feasibility of placing the  
24 line underground.”.

1           (5) By adding the following in paragraph (1) of  
2 subsection (f) after the period at the end thereof: “A  
3 diminution of 10 percent or more in the value of any  
4 property which results from the right-of-way and the  
5 construction of electric transmission facilities on the  
6 right-of-way shall be treated as a taking of property  
7 for purposes of this subsection.”.

8           (6) In subsection (h)(5)(A), by striking out  
9 “As” and inserting “Each agency shall issue its own  
10 record of decision in order to ensure that the agen-  
11 cy’s environmental review is in compliance with the  
12 statutory mandates and regulatory requirements ap-  
13 plicable to actions by that agency. As”

14           (7) By repealing paragraph (6) of subsection  
15 (h).

16 **SEC. 3. EFFECTIVE DATE.**

17           The amendments made by section 2 of this Act shall  
18 take effect with respect to any national interest electric  
19 transmission corridor designated under section 216 of the  
20 Federal Power Act after February 5, 2007.

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