

110TH CONGRESS
1ST SESSION

S. 1972

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

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2007

Mr. SCHUMER (for himself and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

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

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. SITING OF INTERSTATE ELECTRIC TRANS-**
4 **MISSION FACILITIES.**

5 Section 216 of the Federal Power Act (16 U.S.C.
6 824p) is amended—

7 (1) in subsection (b)—

1 (A) in the matter preceding paragraph (1),
 2 by striking “subsection (i)” and inserting “sub-
 3 section (h)”;

4 (B) in paragraph (1)—

5 (i) in subparagraph (B), by striking
 6 “or” at the end; and

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

9 “(C) a State commission or other State en-
 10 tity that has authority to approve the siting of
 11 facilities has approved the siting of a proposed
 12 facility; or

13 “(D) a State commission or other State
 14 entity that has authority to approve the siting
 15 of facilities has unreasonably withheld a deter-
 16 mination, or delayed making a determination,
 17 regarding the siting of a proposed facility for a
 18 period of not less than 2 years after the date
 19 on which the applicable permit application was
 20 filed;”;

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

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

1 (4) by inserting after subsection (b) the fol-
2 lowing:

3 “(c) EFFECT OF STATE ACTION.—The Commission
4 shall not issue a permit under this section if a State com-
5 mission or other State entity has denied an application
6 for a permit for the same project submitted to the State
7 commission or other entity during the 2-year period begin-
8 ning on the date on which the permit application is sub-
9 mitted to the State commission or other entity.”; and
10 (5) in subsection (i)(2) (as redesignated by
11 paragraph (3)), by striking “Subsection (h)(6)” and
12 inserting “Subsection (g)(6)”.

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