

Public Law 115–247
115th Congress

An Act

Sept. 28, 2018
[H.R. 1109]

To amend section 203 of the Federal Power Act.

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

SECTION 1. CLARIFICATION OF FACILITY MERGER AUTHORIZATION.

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

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

SEC. 2. NOTIFICATION FOR CERTAIN TRANSACTIONS.

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

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

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

“(ii) such public utility is not required to secure an order of the Commission under paragraph (1)(B).

“(B) In establishing any notification requirement under subparagraph (A), the Commission shall, to the maximum extent practicable, minimize the paperwork burden resulting from the collection of information.”.

Deadlines.
Regulations.

16 USC 824b
note.

SEC. 3. EFFECTIVE DATE.

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

SEC. 4. FEDERAL ENERGY REGULATORY COMMISSION REPORT.

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

- (b) REQUIREMENTS.—In preparing the report under subsection (a), the Federal Energy Regulatory Commission shall—
- (1) take into account any information collected under paragraph (7) of section 203(a) of the Federal Power Act (16 U.S.C. 824b(a)) (as added by section 2); and
 - (2) provide for public notice and comment with respect to the report. Notice.

Approved September 28, 2018.

LEGISLATIVE HISTORY—H.R. 1109:

HOUSE REPORTS: No. 115–167 (Comm. on Energy and Commerce).

SENATE REPORTS: No. 115–253 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 163 (2017): June 12, considered and passed House.

Vol. 164 (2018): Sept. 4, considered and passed Senate, amended.

Sept. 13, House concurred in Senate amendment.