

Federal utility participating in a Transmission Organization shall confer on the Commission jurisdiction or authority over—

(1) the electric generation assets, electric capacity, or energy of the Federal utility that the Federal utility is authorized by law to market; or

(2) the power sales activities of the Federal utility.

**(e) Existing statutory and other obligations**

**(1) System operation requirements**

No statutory provision requiring or authorizing a Federal utility to transmit electric power or to construct, operate, or maintain the transmission system of the Federal utility prohibits a transfer of control and use of the transmission system pursuant to, and subject to, the requirements of this section.

**(2) Other obligations**

This subsection does not—

(A) suspend, or exempt any Federal utility from, any provision of Federal law in effect on August 8, 2005, including any requirement or direction relating to the use of the transmission system of the Federal utility, environmental protection, fish and wildlife protection, flood control, navigation, water delivery, or recreation; or

(B) authorize abrogation of any contract or treaty obligation.

(Pub. L. 109–58, title XII, §1232, Aug. 8, 2005, 119 Stat. 956.)

**Editorial Notes**

**CODIFICATION**

Section is comprised of section 1232 of Pub. L. 109–58. Subsec. (e)(3) of section 1232 of Pub. L. 109–58 repealed section 824n of Title 16, Conservation.

**§ 16432. Study on the benefits of economic dispatch**

**(a) Study**

The Secretary, in coordination and consultation with the States, shall conduct a study on—

(1) the procedures currently used by electric utilities to perform economic dispatch;

(2) identifying possible revisions to those procedures to improve the ability of non-utility generation resources to offer their output for sale for the purpose of inclusion in economic dispatch; and

(3) the potential benefits to residential, commercial, and industrial electricity consumers nationally and in each State if economic dispatch procedures were revised to improve the ability of nonutility generation resources to offer their output for inclusion in economic dispatch.

**(b) Definition**

The term “economic dispatch” when used in this section means the operation of generation facilities to produce energy at the lowest cost to reliably serve consumers, recognizing any operational limits of generation and transmission facilities.

**(c) Report to Congress and the States**

Not later than 90 days after August 8, 2005, and on a yearly basis following, the Secretary shall

submit a report to Congress and the States on the results of the study conducted under subsection (a), including recommendations to Congress and the States for any suggested legislative or regulatory changes.

(Pub. L. 109–58, title XII, §1234, Aug. 8, 2005, 119 Stat. 960.)

**PART C—TRANSMISSION RATE REFORM**

**§ 16441. Funding new interconnection and transmission upgrades**

The Commission may approve a participant funding plan that allocates costs related to transmission upgrades or new generator interconnection, without regard to whether an applicant is a member of a Commission-approved Transmission Organization, if the plan results in rates that—

(1) are just and reasonable;

(2) are not unduly discriminatory or preferential; and

(3) are otherwise consistent with sections 824d and 824e of title 16.

(Pub. L. 109–58, title XII, §1242, Aug. 8, 2005, 119 Stat. 962.)

**PART D—REPEAL OF PUBLIC UTILITY HOLDING COMPANY ACT OF 1935**

**§ 16451. Definitions**

For purposes of this part:

**(1) Affiliate**

The term “affiliate” of a company means any company, 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company.

**(2) Associate company**

The term “associate company” of a company means any company in the same holding company system with such company.

**(3) Commission**

The term “Commission” means the Federal Energy Regulatory Commission.

**(4) Company**

The term “company” means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing.

**(5) Electric utility company**

The term “electric utility company” means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale.

**(6) Exempt wholesale generator and foreign utility company**

The terms “exempt wholesale generator” and “foreign utility company” have the same meanings as in sections 79z–5a and 79z–5b of title 15, as those sections existed on the day before the effective date of this part.

**(7) Gas utility company**

The term “gas utility company” means any company that owns or operates facilities used