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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To require the Federal Energy Regulatory Commission to review regulations that may affect the reliable operation of the bulk-power system.

IN THE HOUSE OF REPRESENTATIVES

Mr. BALDERSON introduced the following bill; which was referred to the Committee on _____

A BILL

To require the Federal Energy Regulatory Commission to review regulations that may affect the reliable operation of the bulk-power system.

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 “Reliable Power Act”.

5 **SEC. 2. COMMISSION REVIEW AND COMMENT FOR COV-**
6 **ERED AGENCY ACTIONS.**

7 Section 215 of the Federal Power Act (16 U.S.C.
8 824o) is amended—

1 (1) in subsection (g)—

2 (A) by striking “The ERO” and inserting
3 the following:

4 “(1) IN GENERAL.—The ERO”; and

5 (B) by adding at the end the following:

6 “(2) ANNUAL LONG-TERM ASSESSMENT.—The
7 assessments under paragraph (1) shall include an
8 annual long-term assessment, which shall include—

9 “(A) an analysis of the ability of the bulk-
10 power system to supply sufficient electric en-
11 ergy necessary to maintain an adequate level of
12 reliability, taking into account generation re-
13 source mix, transmission development, and en-
14 ergy demand trends;

15 “(B) an analysis of the risk of future elec-
16 tric energy supply shortfalls under normal and
17 extreme weather conditions, and the risk of any
18 such shortfalls within each region of the bulk-
19 power system; and

20 “(C) a determination of whether additional
21 generation resources are necessary to supply
22 sufficient energy to maintain an adequate level
23 of reliability during the assessment period.

24 “(3) NOTICE OF GENERATION INADEQUACY.—

25 In conducting a long-term assessment under para-

1 graph (2), if the ERO finds that the bulk-power sys-
2 tem is at risk of not having adequate generation re-
3 sources to supply sufficient electric energy to main-
4 tain an adequate level of reliability, the ERO shall
5 publicly notify the Commission that the bulk-power
6 system is in a state of generation inadequacy.

7 “(4) DATA COLLECTION.—To conduct a long-
8 term assessment under paragraph (2), the ERO may
9 collect information and data from users, owners, and
10 operators of the bulk-power system.”;

11 (2) by redesignating subsections (h) through (k)
12 as subsections (i) through (l), respectively; and

13 (3) by inserting after subsection (g) the fol-
14 lowing:

15 “(h) COMMISSION REVIEW AND COMMENT FOR COV-
16 ERED AGENCY ACTIONS.—

17 “(1) NOTICE TO FEDERAL AGENCIES.—If the
18 ERO notifies the Commission under subsection
19 (g)(3) that the bulk-power system is in a state of
20 generation inadequacy, the Commission shall
21 promptly notify the Department of Energy, the En-
22 vironmental Protection Agency, and any other Fed-
23 eral agency the Commission determines appropriate
24 of such state of generation inadequacy.

1 “(2) SUBMISSION.—Upon receiving notice
2 under paragraph (1), the head of each Federal agen-
3 cy that received such notice shall provide to the
4 Commission for review and comment any covered
5 agency action by the Federal agency—

6 “(A) on the first date on which such cov-
7 ered agency action is provided to the Office of
8 Management and Budget or any other Federal
9 agency for review and comment; or

10 “(B) if such covered agency action is not
11 provided to the Office of Management and
12 Budget or any other Federal agency for review
13 and comment, not later than 90 days before the
14 date on which the covered agency action is pub-
15 lished in the Federal Register or is otherwise
16 made available for public inspection or com-
17 ment.

18 “(3) COMMISSION COMMENTS.—The Commis-
19 sion, in consultation with the ERO, regional entities,
20 and transmission organizations shall, by order, pro-
21 vide to the agency head that provided to the Com-
22 mission a covered agency action under paragraph
23 (2)—

24 “(A) comments on such covered agency ac-
25 tion, which such comments may include an as-

1 assessment of the effect of the covered agency ac-
2 tion on rates, terms, and conditions for services
3 pursuant to the authority of the Commission
4 under sections 201 and 206; and

5 “(B) if applicable, recommendations for
6 modifications to the covered agency action to
7 prevent a significant negative impact on the
8 ability of the bulk-power system to supply suffi-
9 cient electric energy necessary to maintain an
10 adequate level of reliability.

11 “(4) AGENCY RESPONSE.—The head of a Fed-
12 eral agency may not finalize a covered agency action
13 that is provided to the Commission under paragraph
14 (2) until—

15 “(A) the agency head responds in writing
16 to the Commission with an explanation of how
17 the agency head modified, or why the agency
18 head determined not to modify, such covered
19 agency action in response to any comments and
20 recommendations provided by the Commission
21 under paragraph (3); and

22 “(B) the Commission finds that the cov-
23 ered agency action will not be likely to have a
24 significant negative impact on the ability of the
25 bulk-power system to supply sufficient electric

1 energy necessary to maintain an adequate level
2 of reliability.

3 “(5) PUBLIC AVAILABILITY OF COMMENTS AND
4 RESPONSES.—An agency head shall include any
5 comments, recommendations, and responses for the
6 covered agency action when—

7 “(A) submitting the covered agency action
8 to the Federal Register for publication; or

9 “(B) otherwise making the covered agency
10 action available for public inspection or com-
11 ment.

12 “(6) DEFINITIONS.—In this subsection:

13 “(A) COVERED AGENCY ACTION.—The
14 term ‘covered agency action’ means a regulation
15 that—

16 “(i) relates to, or otherwise directly
17 affects, any generation resource in the
18 bulk-power system; and

19 “(ii) is under development to be pro-
20 posed or otherwise under consideration in
21 a rulemaking prior to finalization on the
22 date on which the Federal agency receives
23 notice from the Commission under para-
24 graph (1).

1 “(B) FEDERAL AGENCY.—The term ‘Fed-
2 eral agency’ means an Executive department
3 (as that term is defined in section 101 of title
4 5, United States Code) or any other Executive
5 agency that is in the President’s cabinet.”.