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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. _____

To amend the Federal Power Act to provide that qualifying small conduit hydropower facilities are not required to be licensed under part I of such Act.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend the Federal Power Act to provide that qualifying small conduit hydropower facilities are not required to be licensed under part I of such Act.

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 “Promoting Small Con-
5 duit Hydropower Facilities Act of 2017”.

1 **SEC. 2. QUALIFYING SMALL CONDUIT HYDROPOWER FA-**
2 **CILITIES.**

3 Section 30(a) of the Federal Power Act (16 U.S.C.
4 823a(a)) is amended—

5 (1) by redesignating paragraph (3) as para-
6 graph (4);

7 (2) by inserting after paragraph (2) the fol-
8 lowing:

9 “(3)(A) A qualifying small conduit hydropower facil-
10 ity shall not be required to be licensed under this part.

11 “(B) Any person, State, or municipality proposing to
12 construct a qualifying small conduit hydropower facility
13 shall file with the Commission a notice of intent to con-
14 struct such facility. The notice shall include sufficient in-
15 formation to demonstrate that the facility meets the quali-
16 fying small conduit facility criteria.

17 “(C)(i) Not later than 15 days after receipt of a no-
18 tice of intent filed under subparagraph (B), the Commis-
19 sion shall make a determination as to whether the facility
20 meets the qualifying small conduit facility criteria.

21 “(ii) If the Commission fails to make a determination
22 with respect to a facility in accordance with clause (i), the
23 facility shall be deemed to meet the qualifying small con-
24 duit facility criteria.”; and

25 (3) in paragraph (4), as redesignated by para-
26 graph (1) of this section—

1 (A) in subparagraph (C)(ii), by inserting
2 “exceeds 2 megawatts but” after “capacity
3 that”; and

4 (B) by inserting at the end the following:

5 “(D) The term ‘qualifying small conduit hydro-
6 power facility’ means a facility (not including any
7 dam or other impoundment) that is determined or
8 deemed under paragraph (3)(C) to meet the quali-
9 fying small conduit facility criteria.

10 “(E) The term ‘qualifying small conduit facility
11 criteria’ means, with respect to a facility—

12 “(i) the facility is constructed, operated, or
13 maintained for the generation of electric power
14 and uses for such generation only the hydro-
15 electric potential of a non-federally owned con-
16 duit;

17 “(ii) the facility has an installed capacity
18 that does not exceed 2 megawatts; and

19 “(iii) on or before the date of enactment of
20 the Promoting Small Conduit Hydropower Fa-
21 cilities Act of 2017, the facility is not licensed
22 under, or exempted from the license require-
23 ments contained in, this part.”.