

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.**

**H. R. 1109**

To amend section 203 of the Federal Power Act.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. CLARIFICATION OF FACILITY MERGER AU-**  
4 **THORIZATION.**

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

8 “(B) merge or consolidate, directly or indi-  
9 rectly, its facilities subject to the jurisdiction of the  
10 Commission, or any part thereof, with the facilities  
11 of any other person, or any part thereof, that are  
12 subject to the jurisdiction of the Commission and

1       have a value in excess of \$10,000,000, by any means  
2       whatsoever;”.

3 **SEC. 2. NOTIFICATION FOR CERTAIN TRANSACTIONS.**

4       Section 203(a) of the Federal Power Act (16 U.S.C.  
5 824b(a)) is amended by adding at the end the following  
6 new paragraph:

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

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

19               “(ii) such public utility is not required to  
20 secure an order of the Commission under para-  
21 graph (1)(B).

22               “(B) In establishing any notification require-  
23 ment under subparagraph (A), the Commission  
24 shall, to the maximum extent practicable, minimize

1 the paperwork burden resulting from the collection  
2 of information.”.

3 **SEC. 3. EFFECTIVE DATE.**

4 The amendment made by section 1 shall take effect  
5 180 days after the date of enactment of this Act.

6 **SEC. 4. FEDERAL ENERGY REGULATORY COMMISSION RE-**  
7 **PORT.**

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

12 (b) REQUIREMENTS.—In preparing the report under  
13 subsection (a), the Federal Energy Regulatory Commis-  
14 sion shall—

15 (1) take into account any information collected  
16 under paragraph (7) of section 203(a) of the Fed-  
17 eral Power Act (16 U.S.C. 824b(a)) (as added by  
18 section 2); and

19 (2) provide for public notice and comment with  
20 respect to the report.