

115TH CONGRESS
1ST SESSION

S. _____

To amend the Public Utility Regulatory Policies Act of 1978 to exempt certain small hydroelectric power projects that are applying for relicensing under the Federal Power Act from the licensing requirements of that Act.

IN THE SENATE OF THE UNITED STATES

Mr. KING (for himself and Mr. FLAKE) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Public Utility Regulatory Policies Act of 1978 to exempt certain small hydroelectric power projects that are applying for relicensing under the Federal Power Act from the licensing requirements of that 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. EXEMPTIONS FROM LICENSING REQUIRE-**
4 **MENTS FOR CERTAIN SMALL HYDRO-**
5 **ELECTRIC POWER PROJECTS.**

6 Section 405 of the Public Utility Regulatory Policies
7 Act of 1978 (16 U.S.C. 2705) is amended by striking sub-
8 section (d) and inserting the following:

1 “(d) EXEMPTIONS FROM LICENSING REQUIREMENTS
2 IN CERTAIN CASES.—

3 “(1) IN GENERAL.—Subject to paragraphs (2)
4 and (3), the Commission may in its discretion (by
5 rule or order), on a case-by-case basis or on the
6 basis of classes or categories of projects, grant an
7 exemption in whole or in part from the requirements
8 (including the licensing requirements) of part I of
9 the Federal Power Act to any small hydroelectric
10 power projects—

11 “(A) having a proposed installed capacity
12 of 10,000 kilowatts or less; or

13 “(B) for which a license was issued under
14 part I of the Federal Power Act (16 U.S.C. 792
15 et seq.) and that files for an exemption under
16 this subsection, if—

17 “(i) the original or new license was
18 issued after June 19, 1991;

19 “(ii) the project is in an area that has
20 not been determined to be critical to a spe-
21 cies listed as threatened or endangered
22 under section 4 of the Endangered Species
23 Act of 1973 (16 U.S.C. 1533) as of the
24 date of the filing for an exemption under
25 this subsection;

1 “(iii) the project has an installed ca-
2 pacity of 15 megawatts or less; and

3 “(iv) an exemption issued by the Com-
4 mission under this subsection does not
5 take effect until the expiration of the exist-
6 ing license.

7 “(2) REQUIREMENTS.—The exemptions granted
8 under subparagraphs (A) and (B) of paragraph (1)
9 shall be subject to the same limitations (to ensure
10 protection for fish and wildlife as well as other envi-
11 ronmental concerns) as those which are set forth in
12 subsections (c) and (d) of section 30 of the Federal
13 Power Act with respect to determinations made and
14 exemptions granted under subsection (b) of such sec-
15 tion 30; and subsections (c) and (d) of such section
16 30 shall apply with respect to actions taken and ex-
17 emptions granted under this subsection.

18 “(3) EFFECTS.—Except as specifically provided
19 in this subsection, the granting of an exemption to
20 a project under this subsection shall in no case have
21 the effect of waiving or limiting the application (to
22 such project) of the second sentence of subsection
23 (b) of this section.”.