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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To prohibit the allocation of costs for a certain transmission facility to consumers of a State the public officials of which did not expressly consent to such transmission facility, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To prohibit the allocation of costs for a certain transmission facility to consumers of a State the public officials of which did not expressly consent to such transmission facility, and for other purposes.

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 “Fair Allocation of
5 Interstate Rates Act”.

1 **SEC. 2. RATE AND CHARGES.**

2 Section 205 of the Federal Power Act (16 U.S.C.
3 824d) is amended by adding at the end the following:

4 “(h) PROHIBITION.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), no transmission provider providing elec-
7 tric service to consumers in two or more States may
8 allocate costs for a covered transmission facility to
9 any consumer of such transmission provider if—

10 “(A) the basis for construction or imple-
11 mentation of such covered transmission facility
12 is, in whole or in part, to implement a covered
13 policy of a State; and

14 “(B) such consumer is not a resident of
15 the State the covered policy of which is the
16 basis for constructing or implementing such
17 covered transmission facility.

18 “(2) EXCEPTION.—A transmission provider
19 providing electric service to consumers in two or
20 more States may allocate costs for a covered trans-
21 mission facility to a consumer described in para-
22 graph (1)(B) if the State of such consumer, or a
23 designated public official of such State, expressly
24 consents to such allocation of costs.

25 “(3) PRESUMPTIONS.—It shall be presumed
26 that—

1 “(A) the benefits of a covered transmission
2 facility accrue solely to the cost causers of such
3 covered transmission facility;

4 “(B) only a consumer that resides in a
5 State that implemented a covered policy that is,
6 in whole or in part, the basis for constructing
7 or implementing such covered transmission fa-
8 cility is a cost causer for purposes of subpara-
9 graph (A); and

10 “(C) a consumer that does not reside in
11 the State described in subparagraph (B) is not
12 a cost causer for purposes of subparagraph (A).

13 “(4) IMPLEMENTATION.—Not later than six
14 months after the date of enactment of this sub-
15 section, the Commission shall issue such rules and
16 regulations as may be necessary to implement this
17 subsection.

18 “(5) DEFINITIONS.—In this subsection:

19 “(A) COVERED POLICY.—The term ‘cov-
20 ered policy’ means a policy of a State, including
21 policies of the local political entities of such
22 State.

23 “(B) COVERED TRANSMISSION FACILITY.—
24 The term ‘covered transmission facility’ means
25 any facility, line, equipment, or system used for

1 the transmission of electric energy in interstate
2 commerce that is planned, constructed, or oper-
3 ated in whole or in part to implement a covered
4 policy.”.