

114TH CONGRESS  
1ST SESSION

# S. 1222

To amend the Federal Power Act to provide for reports relating to electric capacity resources of transmission organizations and the amendment of certain tariffs to address the procurement of electric capacity resources, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 6, 2015

Ms. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Federal Power Act to provide for reports relating to electric capacity resources of transmission organizations and the amendment of certain tariffs to address the procurement of electric capacity resources, 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 “Continuity of Electric  
5 Capacity Resources Act”.

1 **SEC. 2. DIVERSITY OF SUPPLY AND CONTINUITY OF ELEC-**  
 2 **TRIC CAPACITY RESOURCES.**

3 Title II of the Federal Power Act (16 U.S.C. 824  
 4 et seq.) is amended by adding at the end the following:

5 **“SEC. 224. DIVERSITY OF SUPPLY AND CONTINUITY OF**  
 6 **ELECTRIC CAPACITY RESOURCES.**

7 “(a) DEFINITIONS.—In this subsection:

8 “(1) BULK-POWER SYSTEM; TRANSMISSION OR-  
 9 GANIZATION.—The terms ‘bulk-power system’ and  
 10 ‘transmission organization’ have the meaning given  
 11 the terms in section 215.

12 “(2) ELECTRIC CAPACITY RESOURCE.—The  
 13 term ‘electric capacity resource’ means an electric  
 14 generating resource, as measured by the maximum  
 15 load-carrying ability of the resource, exclusive of sta-  
 16 tion use and planned, unplanned, or other outage or  
 17 derating.

18 “(3) REGIONAL RELIABILITY COORDINATOR.—  
 19 The term ‘regional reliability coordinator’ has the  
 20 meaning given the term ‘reliability coordinator’ (as  
 21 defined by the Electric Reliability Organization).

22 “(b) ELECTRIC CAPACITY RESOURCES REPORT.—

23 “(1) NOTICE.—Not later than 14 days after the  
 24 date of enactment of this section, the Commission  
 25 shall submit to each transmission organization with  
 26 a tariff on file with the Commission that includes

1 provisions addressing the procurement of electric ca-  
2 pacity resources notice that the transmission organi-  
3 zation is required to file with the Commission a re-  
4 port in accordance with paragraph (2).

5 “(2) REPORT.—Not later than 180 days after  
6 the date on which a transmission organization re-  
7 ceives a notice under paragraph (1), the trans-  
8 mission organization shall submit to the Commission  
9 a report that—

10 “(A)(i) identifies electric capacity resources  
11 that are available to the transmission organiza-  
12 tion as of the date of the report; and

13 “(ii) describes the fuel sources and oper-  
14 ational characteristics of each electric capacity  
15 resource identified under clause (i);

16 “(B) evaluates, using generally accepted  
17 metrics, the financial health, viability, and pro-  
18 jected remaining years of service of the avail-  
19 able electric capacity resources identified under  
20 subparagraph (A)(i);

21 “(C) identifies—

22 “(i) over the short- and long-term pe-  
23 riods in the planning cycle of the trans-  
24 mission organization, announced and pro-

1           jected retirements of the available electric  
2           capacity resources;

3                   “(ii) the projected future needs of the  
4           transmission organization for electric ca-  
5           pacity resources; and

6                   “(iii) the availability of transmission  
7           facilities and transmission support services  
8           necessary to provide for the transmission  
9           organization reasonable assurances of es-  
10          sential reliability services, including ade-  
11          quate voltage support;

12                   “(D) assesses the current and projected  
13          status of the reliability of the elements of the  
14          bulk-power system under the control of the  
15          transmission organization, over the short- and  
16          long-term periods in the planning cycle of the  
17          transmission organization (including the cur-  
18          rent and projected status of electric capacity re-  
19          sources), as determined by the regional reli-  
20          ability coordinator that has been designated by  
21          the Electric Reliability Organization to have  
22          oversight over the bulk-power system elements  
23          under the control of the transmission organiza-  
24          tion; and

1           “(E) prior to the submission of the report,  
2           has been made available to members of the  
3           transmission organization and to the public for  
4           comment.

5           “(c) TARIFF AMENDMENTS.—

6           “(1) IN GENERAL.—Not later than 180 days  
7           after the date on which the Commission receives a  
8           report submitted under subsection (b), the trans-  
9           mission organization that submitted the report shall  
10          file with the Commission—

11           “(A) 1 or more tariff amendments that  
12           would achieve each of the objectives described  
13           in paragraph (2) with respect to the trans-  
14           mission organization; and

15           “(B) supporting information that dem-  
16           onstrates the manner in which the amendments  
17           would achieve each of those objectives, taking  
18           into account the report submitted under sub-  
19           section (b)(2).

20           “(2) OBJECTIVES.—The objectives referred to  
21          in paragraph (1) are the following:

22           “(A) A diverse generation portfolio and the  
23           availability of transmission facilities and trans-  
24           mission support services necessary to provide  
25           reasonable assurances of a continuous supply of

1 electricity for customers of the transmission or-  
 2 ganization at the proper voltage and frequency.

3 “(B) An enhanced opportunity for self-sup-  
 4 ply of electric capacity resources by electric co-  
 5 operatives, Federal power marketing agencies,  
 6 and State utilities with a service obligation (as  
 7 those terms are defined in section 217(a)), with  
 8 the term ‘self-supply’ to be defined in the sup-  
 9 porting information filed under paragraph (1).

10 “(C) A reasonable assurance of short- and  
 11 long-term reliability, with the terms ‘short-term  
 12 reliability’ and ‘long-term reliability’ to be de-  
 13 fined by the applicable regional reliability coor-  
 14 dinator referred to in subsection (b)(2)(D).

15 “(D) A reasonable likelihood of prudent in-  
 16 vestment in, and adequate fuel supply for, exist-  
 17 ing and future electric capacity resources over  
 18 the short- and long-term periods in the plan-  
 19 ning cycle identified in the applicable report  
 20 submitted under subsection (b)(2).”.

21 **SEC. 3. ACTIVITIES CARRIED OUT UNDER AN AUTHORIZA-**  
 22 **TION DURING WAR OR EMERGENCY.**

23 Section 202(c) of the Federal Power Act (16 U.S.C.  
 24 824a(c)) is amended—

1           (1) in the first sentence, by striking “(c) Dur-  
2           ing” and inserting the following:

3           “(c) AUTHORIZATION DURING WAR OR EMER-  
4 GENCY.—

5           “(1) IN GENERAL.—During”; and

6           (2) by adding at the end the following:

7           “(2) NO LIABILITY.—Any person subject to an  
8           order issued under this subsection shall not be liable  
9           for actions carried out in compliance with the  
10          order.”.

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