

***In the Senate of the United States,***

*September 4, 2018.*

*Resolved*, That the bill from the House of Representatives (H.R. 1109) entitled “An Act to amend section 203 of the Federal Power Act.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. CLARIFICATION OF FACILITY MERGER AUTHOR-***  
2 ***IZATION.***

3 *Section 203(a)(1) of the Federal Power Act (16 U.S.C.*  
4 *824b(a)(1)) is amended by striking subparagraph (B) and*  
5 *inserting the following:*

6 *“(B) merge or consolidate, directly or indirectly,*  
7 *its facilities subject to the jurisdiction of the Commis-*  
8 *sion, or any part thereof, with the facilities of any*  
9 *other person, or any part thereof, that are subject to*  
10 *the jurisdiction of the Commission and have a value*  
11 *in excess of \$10,000,000, by any means whatsoever;”.*

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

2 *Section 203(a) of the Federal Power Act (16 U.S.C.*  
3 *824b(a)) is amended by adding at the end the following new*  
4 *paragraph:*

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

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

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

20 *“(B) In establishing any notification require-*  
21 *ment under subparagraph (A), the Commission shall,*  
22 *to the maximum extent practicable, minimize the pa-*  
23 *perwork burden resulting from the collection of infor-*  
24 *mation.”.*

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

2 *The amendment made by section 1 shall take effect 180*  
3 *days after the date of enactment of this Act.*

4 **SEC. 4. FEDERAL ENERGY REGULATORY COMMISSION RE-**  
5 **PORT.**

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

10 *(b) REQUIREMENTS.—In preparing the report under*  
11 *subsection (a), the Federal Energy Regulatory Commission*  
12 *shall—*

13 *(1) take into account any information collected*  
14 *under paragraph (7) of section 203(a) of the Federal*  
15 *Power Act (16 U.S.C. 824b(a)) (as added by section*  
16 *2); and*

17 *(2) provide for public notice and comment with*  
18 *respect to the report.*

Attest:

*Secretary.*

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H.R. 1109**

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**AMENDMENT**