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TO REINSTATE AND EXTEND THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT INVOLVING JENNINGS RANDOLPH DAM

JUNE 8, 2017.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 710]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 710) to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving Jennings Randolph Dam, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, strike lines 13 through 18.
2. On page 2, line 19, strike "(c)" and insert "(b)".
3. On page 3, line 4, strike "the expiration of the license" and insert "that expiration".

PURPOSE

The purpose of S. 710 is to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving Jennings Randolph Dam.

BACKGROUND AND NEED

The Federal Energy Regulatory Commission (Commission) issued an original license to the Fairlawn Hydroelectric Company for a 14-megawatt Jennings Randolph Hydroelectric Project on April 30, 2012. The project is located at the U.S. Army Corps of Engineers'

(Corps) Jennings Randolph Dam and Lake on the Potomac River in Maryland and West Virginia. On May 13, 2014, the Commission granted a two-year extension of the license until April 30, 2016, the maximum initial time allowable under section 13 of the Federal Power Act (16 U.S.C. 806).

Due to ongoing work with the Corps to obtain construction authorization under section 14 of the Rivers and Harbors Act (33 U.S.C. 408), construction has not yet begun on the project and the licensee seeks an extension of the project commencement deadline.

LEGISLATIVE HISTORY

Senators Manchin and Capito introduced S. 710 on March 23, 2017.

In the 114th Congress, Representatives McKinley and Delaney introduced a similar measure, H.R. 4416, in the House of Representatives on February 1, 2016. The bill passed the House of Representatives by a vote of 418–2 on March 16, 2016.

The Committee on Energy and Natural Resources met in open business session on March 30, 2017, and ordered S. 710 favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in an open business session on March 30, 2017, by a majority voice vote of a quorum present, recommended that the Senate pass S. 710, if amended as described herein.

COMMITTEE AMENDMENTS

During the consideration of S. 710 the Committee adopted three amendments to strike language regarding annual charges and to make technical and conforming changes.

SECTION-BY-SECTION ANALYSIS

Section 1 authorizes the Commission, at the request of the licensee for the project and after reasonable notice in accordance with Commission procedures, to extend the time period during which the licensee is required to commence project construction for up to six years. This section further authorizes the Commission to reinstate the license if the license has expired prior to the date of enactment of this Act. If so reinstated, the reinstated license is to be effective as of the date of the expiration of the previous extension.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

S. 710—To reinstate and extend the deadline for commencement of construction of a hydroelectric project involving Jennings Randolph Dam

CBO estimates that implementing S. 710 would have no net effect on the federal budget. The bill would authorize the Federal Energy Regulatory Commission (FERC) to reinstate the license and extend the deadline for beginning construction of the Jennings

Randolph Hydroelectric Project (number 12715) located on the North Branch of the Potomac River in Garret County, Maryland and Mineral County, West Virginia. The proposed extension could have a minor effect on FERC's workload; however, because FERC recovers 100 percent of its costs through user fees, any change in that agency's costs (which are controlled through annual appropriation acts) would be offset by an equal change in fees that the commission charges, resulting in no net change in federal spending.

Enacting S. 710 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting S. 710 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 710 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Megan Carroll. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 710. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 710, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 710, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

Executive Communications were not requested by the Committee on Energy and Natural Resources in the 115th Congress.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill as ordered reported.

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