119TH CONGRESS
2D SESSION

S. _____

To establish a best-available transmission conductor standard for certain transmission projects under the Federal Power Act and to provide for presumptions regarding cost recovery for such conductors.

IN THE SENATE OF THE UNITED STATES

Ms. CORTEZ MASTO introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To establish a best-available transmission conductor standard for certain transmission projects under the Federal Power Act and to provide for presumptions regarding cost recovery for such conductors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''High-Capacity Grid Act''.

SEC. 2. BEST-AVAILABLE TRANSMISSION CONDUCTOR CLASS.

The Federal Power Act is amended by inserting after section 223 (16 U.S.C. 824w) the following:

"SEC. 224. USE OF BEST-AVAILABLE TRANSMISSION CONDUCTORS.

"(a) USE OF BEST-AVAILABLE TRANSMISSION CONDUCTORS.—In exercising its authority under sections 205 and 206, the Commission shall require that public utilities use transmission conductors that are designated as part of the best-available transmission conductor class when carrying out covered projects.

"(b) REGULATIONS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Commission shall issue regulations to carry out this section.

"(2) INCLUSIONS.—In issuing regulations under paragraph (1), the Commission shall—

"(A) establish, in consultation with the Secretary of Energy, a methodology to designate, as part of the best-available transmission conductors class, transmission conductors that—

"(i) provide the greatest feasible and commercially available energy-carrying capacity at a given voltage level;

"(ii) provide the highest feasible and commercially available electrical efficiency at that voltage level; and

"(iii) provide the greatest feasible and commercially available level of mechanical performance, taking into account relevant factors, including reliability, safety, and affordability;

"(B) using such methodology, designate transmission conductors as part of the best-available transmission conductor class;

"(C) establish filing requirements for public utilities to demonstrate compliance with the regulations, including (as applicable) such information and data the Commission determines necessary to demonstrate project-specific impacts described in subparagraph (D); and

"(D) provide that the requirement to use transmission conductors that are designated as part of the best-available transmission conductor class not apply—

"(i) to carrying out any covered project for which a public utility, prior to the date of enactment of this section, has—

''(I) filed for any State or Federal permit required to carry out the covered project; or

''(II) procured any transmission conductors;

''(ii) to the emergency replacement or repair of transmission facilities necessary to restore service following a natural disaster, act of terrorism, or other event designated as an emergency by a relevant Federal or State authority;

''(iii) if such use would negatively impact safety or violate a reliability standard; or

''(iv) if the public utility carrying out the covered project demonstrates such use would significantly increase the cost per kilowatt-hour of electricity without providing a material and commensurate increase to capacity, efficiency, or mechanical performance.

''(c) PERIODIC REVIEW AND UPDATES.—The Commission may, to reflect improvements in technology, periodically review and update—

"(1) the methodology for designating transmission conductors as part of the best-available transmission conductor class; and

"(2) the designation of transmission conductors as part of the best-available transmission conductor class.

"(d) DEFINITIONS.—In this section:

"(1) BEST-AVAILABLE TRANSMISSION CONDUCTOR CLASS.—The term 'best-available transmission conductor class' means a class of transmission conductors that are designated as part of the class pursuant to this section.

"(2) COMMISSION.—The term 'Commission' means the Federal Energy Regulatory Commission.

"(3) COVERED PROJECT.—The term 'covered project' means—

"(A) the construction of a new transmission facility subject to the jurisdiction of the Commission under section 201(b) that includes a transmission conductor; or

"(B) any major (as determined by the Commission) modification, upgrade, replacement, or reconductoring of an existing transmission conductor subject to such jurisdiction.

"(4) RELIABILITY STANDARD.—The term 'reliability standard' has the meaning given such term in section 215.".