

117TH CONGRESS  
1ST SESSION

# H. R. 4746

To amend the Federal Power Act with respect to the rehearing process,  
and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2021

Mr. CASTEN (for himself and Mr. MALINOWSKI) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Federal Power Act with respect to the  
rehearing process, 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 “Right to Timely Re-  
5 hearings at FERC Act of 2021”.

6 **SEC. 2. FEDERAL POWER ACT REHEARINGS.**

7 Section 313(a) of the Federal Power Act (16 U.S.C.  
8 8251(a)) is amended to read as follows:

9 “(a) REHEARINGS.—

1           “(1) IN GENERAL.—Any person, electric utility,  
2           State, municipality, or State commission aggrieved  
3           by an order issued by the Commission in a pro-  
4           ceeding under this Act to which such person, electric  
5           utility, State, municipality, or State commission is a  
6           party may apply for a rehearing within 30 days after  
7           the issuance of such order. The application for re-  
8           hearing shall set forth specifically the ground or  
9           grounds upon which such application is based. Upon  
10          such application the Commission shall have power to  
11          grant or deny rehearing or to abrogate or modify its  
12          order without further hearing. No proceeding to re-  
13          view any orders of the Commission shall be brought  
14          by any entity unless such entity shall have made ap-  
15          plication to the Commission for a rehearing thereon.  
16          Until the record in a proceeding shall have been filed  
17          in a court of appeals, as provided in subsection (b),  
18          the Commission may at any time, upon reasonable  
19          notice and in such manner as it shall deem proper,  
20          modify or set aside, in whole or in part, any finding  
21          or order made or issued by it under the provisions  
22          of this act.

23           “(2) DEADLINE.—

24           “(A) IN GENERAL.—Except as provided in  
25          subparagraph (B), the Commission shall act on

1 the merits of an application filed under para-  
2 graph (1) by the date that is 120 days after the  
3 date on which the applicable order is issued.

4 “(B) EXCEPTIONS.—

5 “(i) FINDING.—If, by the date that is  
6 120 days after the date on which the appli-  
7 cable order is issued, the Commission  
8 issues a finding that additional time for  
9 consideration of an application filed under  
10 paragraph (1) is necessary, the Commis-  
11 sion shall act on the merits of the applica-  
12 tion by the date that is 210 days after the  
13 date on which the applicable order is  
14 issued. The Commission may not delegate  
15 the authority to issue a finding under this  
16 clause.

17 “(ii) LACK OF QUORUM.—If the Com-  
18 mission fails to act on the merits of an ap-  
19 plication filed under paragraph (1) by the  
20 applicable deadline under clause (i) or sub-  
21 paragraph (A) because the Commission  
22 lacks a quorum on such date, the Commis-  
23 sion shall act on the merits of the applica-  
24 tion by the date that is 30 days after the

1                   date on which the Commission establishes  
2                   a quorum.

3                   “(C) FAILURE TO ACT.—If the Commis-  
4                   sion fails to act on the merits of an application  
5                   filed under paragraph (1) by the applicable  
6                   deadline under subparagraph (A) or (B), the  
7                   application shall be deemed to be denied.”.

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