

**List of Federal Rulemakings/Federal Actions to Implement Key Provisions of the
Electricity Title of the Energy Policy Act of 2005**

Requirement*	Agency	Timing†
Reliability (sec. 1211, new FPA § 215)	FERC	FERC must issue rules to implement the reliability provisions within 180 days (FPA § 215(b)(2)). Pursuant to new FPA § 215(e)(4), FERC's regulations are to authorize the ERO to enter into an agreement to delegate authority to an appropriate regional entity for proposing and enforcing reliability standards.
Transmission congestion (Sec. 1221, new FPA § 216)	DOE	New FPA § 216(a) requires DOE to study transmission congestion within 1 year (and triennially thereafter). This study will form the basis for DOE designation of national interest electric transmission corridors.
Federal backstop siting authority (Sec. 1221, new FPA § 216(c))	FERC	New FPA § 216(c) requires FERC to issue rules specifying the form for applications for Federal construction permits to be issued in the exercise of Federal backstop siting authority.
Federal authorizations for transmission projects (Sec. 1221)	DOE	New FPA § 216(h)(7)(A) requires DOE to issue rules to implement subsection 216(h), Coordination of Federal Authorizations for Transmission Facilities (establishing DOE as lead agency for purposes of obtaining federal authorizations required for transmission facilities) within 18 months.
Corridors and rights of way on Federal lands (Sec. 1221(b))	DOE, DOI, USDA, CEQ	Within 90 days, a joint report is to be submitted to Congress identifying existing designated "transmission and distribution" corridors on Federal land and the status of work on proposed corridor designations under Title V of the FLMPA and other matters, including the renewal of corridors.
Open access transmission (Sec. 1231, adding a new FPA § 211A)	FERC	Authorizes FERC, by rule or order, to require unregulated transmitting utilities to provide open access to their transmission systems. FERC is required under new FPA § 211A(c) to exempt from any rule or order any unregulated transmitting utility that sells no more than 4 million mWh of electricity per year.

* This listing shows specific rulemaking or study requirements expressly established in the text of the electricity title. Other areas in which FERC is likely to undertake rulemaking include: 1) the new prohibition on the filing of false information (sec. 1282 of the bill); and 2) the new prohibition on market manipulation (sec. 1283 of the bill).

† Times are given from the date of enactment of the legislation. **Note: The date of enactment is now expected to be August 8, 2005.**

Native load priority – long term transmission rights in organized markets (Sec. 1233(b))	FERC	Within 1 year, FERC is to implement, by rule or order, the provisions of new FPA § 217(b)(4) [relating to long term transmission rights] in Transmission Organizations with organized electricity markets.
Study of economic dispatch (Sec. 1234)	DOE, in coordination with the states	DOE is required to study and report to Congress and the states on the use of economic dispatch within 90 days and yearly thereafter.
Transmission pricing rules (Sec. 1241, new FPA § 219)	FERC	New FPA § 219 requires FERC to establish incentive-based rate treatments for transmission within 1 year, including incentives for participation in Transmission Organizations.
Demand Response (Sec. 1252(d)(3))	DOE	Within 180 days, DOE shall provide Congress with a report that identifies and quantifies the national benefits of demand response and makes a recommendation on achieving specific levels of such benefits by January 1, 2007.
Demand Response (Sec. 1252(e)(3))	FERC	FERC is to prepare and publish an annual report, by region, that assesses demand response resources, beginning not later than 1 year after enactment.
PURPA mandatory purchase requirement (sec. 1253, adding a new PURPA § 210(n))	FERC	Within 180 days, FERC is required to revise the criteria for what will be considered a new cogeneration qualifying facility eligible to take advantage of the PURPA § 210 mandatory purchase/sale requirement.
PURPA cost recovery (new PURPA § 210(m)(7))	FERC	New PURPA § 210(m)(7) requires FERC to issue and enforce such regulations as are necessary to ensure that electric utilities that purchase electricity or capacity from a QF in accordance with obligations entered into or imposed under this section recover all prudently incurred costs associated with the purchase.
PUHCA repeal (Subtitle F)	FERC	Sec. 1272 requires that within 4 months, FERC is to issue regulations to implement the PUCHA repeal/transfer of authority to FERC
PUHCA exemption authority (Sec. 1266)	FERC	Sec. 1266 provides that not later than 90 days after the effective date (6 months after enactment), FERC is to issue a final rule to exempt from requirements for Federal access to books and records a person that is a holding company solely with respect to 1 or more QFs, EWGs or foreign utility companies.
Service allocation (Sec. 1275)	FERC	Sec. 1275 requires FERC to issue rules within 4 months to exempt from FERC review of the allocation of costs for non-power goods and services provided by an associated company any company in a holding company system whose public utility operations are confined to a single state, or any

		other class of transactions that FERC determines are not relevant to the jurisdictional rates of the public utility.
Market transparency (Sec. 1281, new FPA § 220)	FERC	New FPA § 220(a)(2) authorizes FERC to issue such rules as it considers appropriate to facilitate market transparency. Such rules “shall provide for the dissemination, on a timely basis,” of information about the wholesale electricity and transmission availability and prices. Such rules, if adopted, are to exempt from disclosure information FERC determines would be detrimental to the operation of an effective market or jeopardize system security if disclosed (§ 220(b)(1)).
Market transparency (Sec. 1281, new FPA § 220(c)(1))	FERC	New FPA § 220(c)(1) requires FERC to conclude a memorandum of understanding with the CFTC within 180 days to ensure that information requests within the jurisdiction of each agency are coordinated.
Refund authority (Sec. 1286, amended FPA § 206(e)(1)(B))	FERC	For purposes of implementing FERC’s new authority to order refunds from 201(f) entities, new FPA § 206(e)(1)(B) requires FERC to determine “after notice and comment” what Commission rules applicable to sales at wholesale by public utilities will also be applicable to 201(f) entities.
Consumer privacy and unfair trade practices (Sec. 1287)	FTC	The FTC is authorized to issue rules to protect the privacy of electric consumers, and to prevent slamming and cramming.
Mergers (Sec. 1289, amended FPA§ 203)	FERC	FERC is to adopt by rule procedures for expeditious consideration of merger applications under the revised FPA § 203. The rules are to identify classes of transactions that would normally qualify for approval, and which are to receive expedited review by FERC.
Joint Boards on Economic Dispatch (Sec. 1298, new FPA § 223)	FERC	New FPA § 223 requires FERC to convene regional joint boards to consider economic dispatch and make recommendations to FERC. FERC is to report to Congress within 1 year regarding the recommendation of the joint boards.