

the same date in each year that the recovery program is funded, the Secretary shall report to the Congress on the annual achievements of the innovation grant program, with emphasis on the nationwide implications of successful innovation projects.”

“SECRETARY” DEFINED

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 95-625, set out as a note under section 2503 of this title.

CHAPTER 46—PUBLIC UTILITY REGULATORY POLICIES

- Sec.
2601. Findings.
2602. Definitions.
2603. Relationship to antitrust laws.

SUBCHAPTER I—RETAIL REGULATORY POLICIES FOR ELECTRIC UTILITIES

2611. Purposes.
2612. Coverage.
 (a) Volume of total retail sales.
 (b) Exclusion of wholesale sales.
 (c) List of covered utilities.
2613. Federal contracts.

SUBCHAPTER II—STANDARDS FOR ELECTRIC UTILITIES

2621. Consideration and determination respecting certain ratemaking standards.
 (a) Consideration and determination.
 (b) Procedural requirements for consideration and determination.
 (c) Implementation.
 (d) Establishment.
2622. Obligations to consider and determine.
 (a) Request for consideration and determination.
 (b) Time limitations.
 (c) Failure to comply.
2623. Adoption of certain standards.
 (a) Adoption of standards.
 (b) Establishment.
 (c) Procedural requirements.
2624. Lifeline rates.
 (a) Lower rates.
 (b) Determination.
 (c) Prior proceedings.
2625. Special rules for standards.
 (a) Cost of service.
 (b) Time-of-day rates.
 (c) Load management techniques.
 (d) Master metering.
 (e) Automatic adjustment clauses.
 (f) Information to consumers.
 (g) Procedures for termination of electric service.
 (h) Advertising.
2626. Reports respecting standards.
 (a) State authorities and nonregulated utilities.
 (b) Secretary.
2627. Relationship to State law.
 (a) Revenue and rate of return.
 (b) State authority.
 (c) Federal agencies.

SUBCHAPTER III—INTERVENTION AND JUDICIAL REVIEW

2631. Intervention in proceedings.
 (a) Authority to intervene and participate.
 (b) Access to information.
 (c) Effective date; procedures.
2632. Consumer representation.
 (a) Compensation for costs of participation or intervention.
 (b) Alternative means.

Sec.

- (c) Transcripts.
(d) Federal agencies.
(e) Rights under other authority.
2633. Judicial review and enforcement.
 (a) Limitation of Federal jurisdiction.
 (b) Enforcement of intervention right.
 (c) Review and enforcement.
 (d) Other authority of Secretary.
2634. Prior and pending proceedings.

SUBCHAPTER IV—ADMINISTRATIVE PROVISIONS

2641. Voluntary guidelines.
2642. Responsibilities of Secretary.
 (a) Authority.
 (b) Technical assistance.
 (c) Appropriations.
2643. Gathering information on costs of service.
 (a) Information required to be gathered.
 (b) Commission rules.
 (c) Filing and publication.
 (d) Enforcement.
2644. Relationship to other authority.
2645. Utility regulatory institute.
 (a) Matching grants.
 (b) Federal share.
 (c) Restrictions.
 (d) Authorization of appropriations.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 10 section 2867; title 42 sections 6807, 7375.

§ 2601. Findings

The Congress finds that the protection of the public health, safety, and welfare, the preservation of national security, and the proper exercise of congressional authority under the Constitution to regulate interstate commerce require—

(1) a program providing for increased conservation of electric energy, increased efficiency in the use of facilities and resources by electric utilities, and equitable retail rates for electric consumers,

(2) a program to improve the wholesale distribution of electric energy, the reliability of electric service, the procedures concerning consideration of wholesale rate applications before the Federal Energy Regulatory Commission, the participation of the public in matters before the Commission, and to provide other measures with respect to the regulation of the wholesale sale of electric energy,

(3) a program to provide for the expeditious development of hydroelectric potential at existing small dams to provide needed hydroelectric power,

(4) a program for the conservation of natural gas while insuring that rates to natural gas consumers are equitable,

(5) a program to encourage the development of crude oil transportation systems, and

(6) the establishment of certain other authorities as provided in title VI of this Act.

(Pub. L. 95-617, § 2, Nov. 9, 1978, 92 Stat. 3119.)

REFERENCES IN TEXT

This Act, referred to in par. (6), is Pub. L. 95-617, Nov. 9, 1978, 92 Stat. 3117, as amended, known as the Public Utility Regulatory Policies Act of 1978. Title VI of this Act enacted sections 824a-4 and 2645 of this title and sections 717x to 717z of Title 15, Commerce and Trade, amended section 717f of Title 15 and sections 1311, 1312,

and 1314 to 1316 of Title 30, Mineral Lands and Mining, and enacted provisions set out as a note under section 2621 of this title. For complete classification of this Act to the Code, see Short Title note below and Tables.

CODIFICATION

This section was not enacted as part of title I of Pub. L. 95-617 which comprises this chapter.

SHORT TITLE

Section 1 of Pub. L. 95-617 provided that: "This Act [enacting this chapter, and sections 823a, 824a-1 to 824a-4, 824i to 824k, 825q-1, and 2701 to 2708 of this title, sections 717x to 717z and 3201 to 3211 of Title 15, Commerce and Trade, section 6808 of Title 42, The Public Health and Welfare, and sections 2001 to 2012 of Title 43, Public Lands, amending sections 796, 824, 824a, 824d, and 825d of this title, section 717f of Title 15, sections 1311, 1312, and 1314 to 1316 of Title 30, Mineral Lands and Mining, and sections 6801 to 6807 of Title 42, and enacting provisions set out as notes under sections 824, 824a, 824d, 825d, and 2621 of this title] may be cited as the 'Public Utility Regulatory Policies Act of 1978'."

§ 2602. Definitions

As used in this Act, except as otherwise specifically provided—

(1) The term "antitrust laws" includes the Sherman Antitrust Act (15 U.S.C. 1 and following), the Clayton Act (15 U.S.C. 12 and following), the Federal Trade Commission Act (15 U.S.C. 14[41] and following), the Wilson Tariff Act (15 U.S.C. 8 and 9), and the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21A).

(2) The term "class" means, with respect to electric consumers, any group of such consumers who have similar characteristics of electric energy use.

(3) The term "Commission" means the Federal Energy Regulatory Commission.

(4) The term "electric utility" means any person, State agency, or Federal agency, which sells electric energy.

(5) The term "electric consumer" means any person, State agency, or Federal agency, to which electric energy is sold other than for purposes of resale.

(6) The term "evidentiary hearing" means—

(A) in the case of a State agency, a proceeding which (i) is open to the public, (ii) includes notice to participants and an opportunity for such participants to present direct and rebuttal evidence and to cross-examine witnesses, (iii) includes a written decision, based upon evidence appearing in a written record of the proceeding, and (iv) is subject to judicial review;

(B) in the case of a Federal agency, a proceeding conducted as provided in sections 554, 556, and 557 of title 5; and

(C) in the case of a proceeding conducted by any entity other than a State or Federal agency, a proceeding which conforms, to the extent appropriate, with the requirements of subparagraph (A).

(7) The term "Federal agency" means an executive agency (as defined in section 105 of title 5).

(8) The term "load management technique" means any technique (other than a time-of-day or seasonal rate) to reduce the maximum

kilowatt demand on the electric utility, including ripple or radio control mechanisms, and other types of interruptible electric service, energy storage devices, and load-limiting devices.

(9) The term "nonregulated electric utility" means any electric utility other than a State regulated electric utility.

(10) The term "rate" means (A) any price, rate, charge, or classification made, demanded, observed, or received with respect to sale of electric energy by an electric utility to an electric consumer, (B) any rule, regulation, or practice respecting any such rate, charge, or classification, and (C) any contract pertaining to the sale of electric energy to an electric consumer.

(11) The term "ratemaking authority" means authority to fix, modify, approve, or disapprove rates.

(12) The term "rate schedule" means the designation of the rates which an electric utility charges for electric energy.

(13) The term "sale" when used with respect to electric energy includes any exchange of electric energy.

(14) The term "Secretary" means the Secretary of Energy.

(15) The term "State" means a State, the District of Columbia, and Puerto Rico.

(16) The term "State agency" means a State, political subdivision thereof, and any agency or instrumentality of either.

(17) The term "State regulatory authority" means any State agency which has ratemaking authority with respect to the sale of electric energy by any electric utility (other than such State agency), and in the case of an electric utility with respect to which the Tennessee Valley Authority has ratemaking authority, such term means the Tennessee Valley Authority.

(18) The term "State regulated electric utility" means any electric utility with respect to which a State regulatory authority has ratemaking authority.

(19) The term "integrated resource planning" means, in the case of an electric utility, a planning and selection process for new energy resources that evaluates the full range of alternatives, including new generating capacity, power purchases, energy conservation and efficiency, cogeneration and district heating and cooling applications, and renewable energy resources, in order to provide adequate and reliable service to its electric customers at the lowest system cost. The process shall take into account necessary features for system operation, such as diversity, reliability, dispatchability, and other factors of risk; shall take into account the ability to verify energy savings achieved through energy conservation and efficiency and the projected durability of such savings measured over time; and shall treat demand and supply resources on a consistent and integrated basis.

(20) The term "system cost" means all direct and quantifiable net costs for an energy resource over its available life, including the cost of production, distribution, transportation, utilization, waste management, and environmental compliance.