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TASK III

SUPPORT TO CS IN THE REDRAFT
OF SEMP LEGISLATION

DOE/CS/20059--T4

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TASK III

Support to CS in the Redraft of SEMP Legislation

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Act: National Energy Conservation Policy Act

Section	Title	States		Local Governments		Remarks
		Action?	Federal Funding?	Action?	Federal Funding?	
Title II.	Residential Energy Conservation					
213. (a)(b)(c)	Requirements for State residential energy conservation plans for regulated utilities	YES	NO	NO	NO	Secretary must approve plans and procedures submitted by States for regulated utilities.
215 (c)(2)(A)	Requirements concerning accounting and payment of costs	YES	NO	NO	NO	States required to hold public hearings concerning payments of costs for utility program.
217 (B)	Home heating supplier programs	YES	NO	NO	NO	Governors may consider waiver requests of home heating suppliers who demonstrate insufficiency of resources for compliance.
231 (C)	Limitations on expenditures	YES	YES	NO	NO	Limit of \$800 per family \$25 million available to the Farmers Home Administration for FY 1979.
Title III.	Energy Conservation Programs for schools, hospitals and buildings					
393 (a)	Preliminary energy audits and energy audits	YES	YES	NO	NO	State Governors may apply to the Secretary for grants to conduct energy audits of school and hospital facilities. \$20 million for FY 1978 \$ 5 million for FY 1979

Act: National Energy Conservation Policy Act (Cont)

Section	Title	States		Local Governments		Remarks
		Action?	Federal Funding?	Action?	Federal Funding?	
394(a)	State plans	YES	YES	NO	NO	State energy agencies invited to submit results and recommendations of preliminary energy audits of state facilities. Funding provided under Section 393 (a).
395(a)	Applications for financial assistance	YES	YES	YES	YES	Schools and hospitals may make annual applications to State Agencies for financial assistance.
396 (a)	Grants for project costs and technical assistance	YES	YES	YES	YES	Grants to be provided to schools and hospitals for carrying out energy conservation projects. 25% of funds available to local governments \$180 million for FY 1978 \$295 million for FY 1979 \$400 million for FY 1980
Title IV.	Energy efficiency of certain products and processes					
400C (a)	Preliminary energy audits	YES	YES	NO	NO	State Governors may apply to the Secretary for grants to conduct audits of buildings owned by units for local government and public care institutions. \$7.5 million for FY 1978 \$7.5 million for FY 1979 One-quarter of funds available for local governments.

Act: National Energy Conservation Policy Act (Cont)

Section	Title	States		Local Governments		Remarks
		Action?	Federal Funding?	Action?	Federal Funding?	
400D (a)	State Plans	YES	YES	NO	NO	State energy agencies invited to submit results and recommendations of audits of facilities owned by local government. Funding provided under Section 400C. (a).

Act: National Energy Conservation Policy Act (cont.)

Section	Title	States		Local Governments		Remarks
		Action?	Federal Funding?	Action?	Federal Funding?	
400E. (a)	Applications for financial assistance	YES	YES	YES	YES	Units of local governments and public care institutions may make annual applications to State energy agencies for financial and technical assistance \$17.5 million for FY 1978 \$32.5 million for FY 1979
400F. (a)	Grants for project costs and technical assistance	YES	YES	YES	YES	
Title IV.	Additional energy related measures					
Sec. 661.(b)(1)	Major fuel burning stationary source	YES	NO	YES	NO	State Governors must develop and provide documentation in support of petitions to the President that relate to possible exemptions from the Clean Air Act provisions.

Act: Natural Gas Policy Act

Section	Title	States		Local Governments		Remarks
		Action?	Federal Funding?	Action?	Federal Funding?	
Title I.	Wellhead Pricing					
Sec. 110 (b)and(c)	Treatment of State severance taxes and certain production-related costs	YES	NO	YES	NO	Places limitations on authority granted to States and some local governments to enact State severance taxes.
Title II.	Incremental Pricing					
Sec. 203 (a)(9)(C)	Acquisition costs subject to passthrough	YES	NO	NO	YES	Refers to States' roles in determining averages prices.
Sec. 205 (d)	Local distribution company passthrough requirements	YES	NO	YES	NO	Requirements of this title preempt State and local law to some extent.
Title III.	Additional Authorities and Requirements					
Sec. 303(c)(2)&(3)	Emergency allocation authority	YES	NO	YES	NO	Requires notification from States of critical shortages of natural gas backed up with additional information.
Title V.	Natural Gas Curtailment Policies					
Sec. 503 (a)(1)&(2)	Determinations for qualifying under certain categories of natural gas	YES	NO	NO	NO	Permits State agencies to make certain determinations under this Act. Requires notice in writing from State to FERC
(b)		YES	NO	NO	NO	Authorizes FERC to overrule States in some circumstances
(c)		YES	NO	NO	NO	Defines State authority to make determinations.

Section	Title	States		Local Governments		Remarks
		Action?	Federal Funding?	Action?	Federal Funding?	
Title V (cont.) Sec. 505	Intervention	YES	NO	NO	NO	Authorizes Secretary of Energy to intervene in proceedings regarding natural gas conducted by State agencies. Gives Secretary access to State courts.
Title VI. Sec. 602.	Coordination with the Natural Gas Act; Effect on State Laws Effect on State Laws	YES	NO	NO	NO	States retain authority to establish price ceilings for certain natural gas sales

Section	Title	States		Local Governments		Remarks
		Action?	Federal Funding?	Action?	Federal Funding?	
Title II.	New Facilities					
201 and 202	New Electric Powerplants and new MFBI's	YES	NO	YES	NO	Prohibits new powerplants and MFBI's from burning natural gas and coal without a Federal exemption. State and local Governments must deal with siting problems for new plants that use coal.
212(g)and(h)	Permanent exemptions for peak and intermediate load powerplants	YES	NO	NO	NO	Certification to be provided by State air pollution control agencies in order to obtain permanent exemptions for peak and intermediate load powerplants which seek exemptions from using coal.
213 (b)	State approval required for powerplant exemptions	YES	NO	NO	NO	State approval required for new electric powerplant to burn natural gas or petroleum.
Title IV	Additional Provisions, emergency authorities					
402 (e) (3)	Prohibition on use of natural gas for decorative outdoor lighting	YES	NO	NO	NO	State authorities required to prepare periodic reports for transmittal to the Secretary on use of natural gas in outdoor lighting
405 (1)	Authority to restrict increased uses of petroleum by existing powerplants					State air pollution control agencies can develop and submit to the Secretary to show that specific powerplants cannot comply with provisions of the Clean Air Act

Section	Title	States		Local Governments		Remarks
		Action?	Federal Funding?	Action?	Federal Funding?	
Title VI. 601	Financial assistance Assistance to areas im- pacted by increased coal or uranium production	YES	NO	NO	NO	Governors are required to assess impact on housing, employment and services; as well as impact on revenues that are associated with expanded use of coal and uranium.

Section	Title	States		Local Governments		Remarks
		Action?	Federal Funding?	Action?	Federal Funding?	
Title II.	Transportation					
Sec. 101	Residential energy audit	YES	NO	YES	NO	Tax credits to be granted for qualified renewable energy source expenditures.
Sec. 201	Gas Guzzler Tax	YES	NO	NO	NO	
Sec. 221(c)(1)(B)	Exemption from motor fuels excise taxes for certain alcohol fuels	YES	NO	NO	NO	DOE's annual report to Congress shall include amounts of alcohol fuels sold in each State and the amount of gasoline saved in each State through use of alcohol fuels.
Sec. 233	Removal of excise tax on fuel, oil, and tires used in connection with inter-city, local, or school buses	YES	NO	YES	NO	School buses qualify for tax repayments.
Sec. 241	Incentives for Van Pooling	YES	NO	YES	NO	State and local authorities may be called on to identify qualifying vehicles

Act: Energy Tax Act of 1978 (cont.)

Section	Title	States		Local Governments		Remarks
		Action?	Federal Funding?	Action?	Federal Funding?	
Title III.	Changes in Business Investment Credit to Encourage Conservation of, or Conversion from, oil and gas or to encourage new energy technology					
Sec. 301	Changes in Business Investment Credit	YES	NO	YES	NO	New energy conservation and cogeneration equipment; as well as alternative energy investments are offered an additional 10 percent investment tax credit. Special rule requirements for certain pollution control equipment and alternative energy properties as outlined by State and local regulations: will be helpful in identifying qualifying energy properties.
Title IV	Miscellaneous Provisions					
Sec. 402	Option to Deduct Intangible Drilling Costs in the case of Geothermal Deposits	YES	NO	NO	NO	States may, in practice, be faced with task of helping to identify qualifying geothermal properties.

Act: Public Utility Regulatory Policies Act

Section	Title	States		Local Governments		Remarks
		Action?	Federal Funding?	Action?	Federal Funding?	
Title I	Retail Regulatory Policies for Electric Utilities					
Sec. 111 (a)(b)	Consideration and Determination Respecting Certain Ratemaking Standards	YES	YES	NO	NO	Requires the State regulatory authority to make determinations after holding public hearings, to follow procedures established by the SRA, and to implement standards
Sec. 112	Obligations to consider and determine	YES	YES	NO	NO	Refers to Sec. 111.
Sec. 113	Adoption of certain standards	YES	YES	NO	NO	Requires the State regulatory authority to examine standards in a hearing to be held two years after enactment.
Sec. 114	Lifeline rates	YES	YES	NO	NO	Requires each State regulatory authority to determine after an evidentiary hearing whether a lifeline rate should be implemented.
Sec. 114	Special rules for standards	YES	YES	NO	NO	Leaves to the State regulatory authority, the choice of methods to be used in determining costs of providing electric service.

Act: Public Utility Regulatory Policies Act (cont.)

Section	Title	States		Local Governments		Remarks
		Action?	Federal Funding?	Action?	Federal Funding?	
Sec. 116	Reports Respecting Standards	YES	YES	NO	NO	Requires State regulatory authorities to report annually to the Secretary.
Sec. 121	Intervention in Proceedings	YES	NO	NO	NO	State regulatory authority required to make information available to potential participants in rate proceedings.
Sec. 122(a)(2)	Consumer Representation --Compensation for Costs of Participation or Intervention	YES	NO	NO	NO	Consumers may collect costs and fees from an electric utility for participating in proceedings. Consumers may bring civil action in State courts for this purpose.
Sec. 123 (b)	Enforcement of Intervention Right	YES	NO	NO	NO	Consumers may bring action in U.S. district courts to require State regulatory authorities to permit intervention rights in rate proceedings.
Sec. 132 (b)	Technical Assistance	YES	YES	NO	NO	Secretary may provide technical assistance to State regulatory authorities \$1 million for FY 1979 \$1 million for FY 1980
Sec. 133	Gathering Information on Costs of Service	YES	NO	NO	NO	State Public Utility Commissions must provide rules governing electric utility practices for gathering information on costs of service.

Act: Public Utility Regulatory Policies Act (cont.)

Section	Title	States		Local Governments		Remarks
		Action?	Federal Funding?	Action?	Federal Funding?	
Subtitle E - Sec. 207	State Utility Regulatory Assistance	YES	YES	NO	NO	<p>State Utility Regulatory Commissions may make applications to the Secretary for Grants. Amounts appropriate to the divided equally among all States</p> <p>\$40 million for FY 1979 \$40 million for FY 1980</p> <p>For State offices of consumer services \$10 million for FY 1979 \$10 million for FY 1980</p>

Act: Public Utility Regulatory Policies Act (cont.)

Section	Title	States		Local Governments		Remarks
		Action?	Federal Funding?	Action?	Federal Funding?	
<p>le II -</p> <p>202 and</p>	Contain Federal Energy Regulatory Commission and Department of Energy Authorities	YES	NO	NO	NO	State regulatory authorities may apply to the Commission for the issuance of an order requiring interconnection and wheeling
204(a)	Restrictions and other Provisions	YES	NO	NO	NO	Commission must determine the impact of an order on the electric utility
206(q)	Continuance of Service	YES	NO	NO	NO	State regulatory authorities must study reports of public utility that address the equations of potential shortages of electricity or capacity.
210	Cogeneration and Small Power Production Rules	YES	NO	NO	NO	State regulatory agencies required to consult with the Commission on prescribed rules for encouraging cogenerations and small power production
<p>le III -</p> <p>301</p>	Retail Policies for Natural Gas Utilities	YEA	NO	NO	NO	State regulatory authorities required to notify the Secretary of Gas Utilities for which the State regulatory authority has ratemaking authority
303	Adoption of Standards	YES	NO	NO	NO	State regulatory authorities must hold public hearings with respect to Standards