

- (i) allocate costs and benefits, including but not limited to fish and wildlife costs, to rates or resources, or
- (ii) design rates.

**(j) Savings provisions**

**(1) Repayment**

This section does not affect the obligation of the Administrator to repay the principal associated with each capital investment, and to pay interest on the principal, only from the "Administrator's net proceeds," as defined in section 838h(b) of this title.

**(2) Payment of capital investment**

Except as provided in subsection (e) of this section, this section does not affect the authority of the Administrator to pay all or a portion of the principal amount associated with a capital investment before the repayment date for the principal amount.

(Pub. L. 104-134, title III, §3201, Apr. 26, 1996, 110 Stat. 1321-350.)

CODIFICATION

Section was enacted as part of the Omnibus Consolidated Recissions and Appropriations Act of 1996, and not as part of the Federal Columbia River Transmission System Act which comprises this chapter.

Section is comprised of section 3201 of Pub. L. 104-134. Subsec. (h) of section 3201 of Pub. L. 104-134 amended section 6 of Pub. L. 103-436, which is not classified to the Code.

**CHAPTER 12H—PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION**

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- 839c. Sale of power.
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- 839d. Conservation and resource acquisition.
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  - (d) Acquisition of resources other than major resources.
  - (e) Effectuation of priorities; use of customers and local entities.
  - (f) Agreements; investigation and initial development of renewable resources other than major resources; reimbursement of investigation and preconstruction expenses.
  - (g) Environmental impact statements.
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  - (k) Equitable distribution of benefits.
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- 839e. Rates.
  - (a) Establishment; periodic review and revision; confirmation and approval by Federal Energy Regulatory Commission.
  - (b) General application of rates to meet general requirements.
  - (c) Rates applicable to direct service industrial customers.
  - (d) Discount rates; special rates.
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  - (f) Basis for rates.
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  - (i) Procedures.
  - (j) Cost figures to be indicated on rate schedules and power billings.
  - (k) Statutory basis for procedures used in establishing rates or rate schedules.
  - (l) Rates for sales outside United States; negotiations.
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  - (n) Limiting the inclusion of costs of protection of, mitigation of damage to, and enhancement of fish and wildlife, within rates charged by the Bonneville Power Administration, to the rate period in which costs are incurred.
- 839f. Administrative provisions.
  - (a) Contract authority.
  - (b) Executive and administrative functions of Administrator of Bonneville Power Administration; sound and businesslike implementation of chapter.
  - (c) Limitations and conditions on contracts for sale or exchange of electric power for use outside Pacific Northwest.
  - (d) Disposition of power which does not increase amount of firm power Administrator is obligated to provide to any customer.
  - (e) Judicial review; suits.
  - (f) Tax treatment of interest on governmental obligations.
  - (g) Review of rates for sale of power to Administrator by investor-owned utility customers.
  - (h) Companies which own or operate facilities for the generation of electricity primarily for sale to Administrator.

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- (i) Electric power acquisition or disposition.
- (j) Retail rate designs which encourage conservation and efficient use of electric energy, installation of consumer-owned renewable resources, and rate research and development.
- (k) Executive position for conservation and renewable resources.

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Savings provisions.

- (a) Rights of States and political subdivisions of States.
- (b) Rights and obligations under existing contracts.
- (c) Statutory preferences and priorities of public bodies and cooperatives in sale of federally generated power.
- (d) Contractual rights under provisions later found to be unconstitutional.
- (e) Treaty and other rights of Indian tribes.
- (f) Reservation of electric power for Montana; Hungry Horse and Libby Dams and Reservoirs.
- (g) Rights of States to prohibit recovery of resource construction costs through retail rates.
- (h) Water appropriations.
- (i) Existing Federal licenses, permits, and certificates.

839h.

Separability.

## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 838i, 838k, 839d-1 of this title; title 26 section 149; title 33 section 2286.

**§ 839. Congressional declaration of purpose**

The purposes of this chapter, together with the provisions of other laws applicable to the Federal Columbia River Power System, are all intended to be construed in a consistent manner. Such purposes are also intended to be construed in a manner consistent with applicable environmental laws. Such purposes are:

(1) to encourage, through the unique opportunity provided by the Federal Columbia River Power System—

(A) conservation and efficiency in the use of electric power, and

(B) the development of renewable resources within the Pacific Northwest;

(2) to assure the Pacific Northwest of an adequate, efficient, economical, and reliable power supply;

(3) to provide for the participation and consultation of the Pacific Northwest States, local governments, consumers, customers, users of the Columbia River System (including Federal and State fish and wildlife agencies and appropriate Indian tribes), and the public at large within the region in—

(A) the development of regional plans and programs related to energy conservation, renewable resources, other resources, and protecting, mitigating and enhancing fish and wildlife resources,

(B) facilitating the orderly planning of the region's power system, and

(C) providing environmental quality;

(4) to provide that the customers of the Bonneville Power Administration and their consumers continue to pay all costs necessary to

produce, transmit, and conserve resources to meet the region's electric power requirements, including the amortization on a current basis of the Federal investment in the Federal Columbia River Power System;

(5) to insure, subject to the provisions of this chapter—

(A) that the authorities and responsibilities of State and local governments, electric utility systems, water management agencies, and other non-Federal entities for the regulation, planning, conservation, supply, distribution, and use of electric power shall be construed to be maintained, and

(B) that Congress intends that this chapter not be construed to limit or restrict the ability of customers to take actions in accordance with other applicable provisions of Federal or State law, including, but not limited to, actions to plan, develop, and operate resources and to achieve conservation, without regard to this chapter; and

(6) to protect, mitigate and enhance the fish and wildlife, including related spawning grounds and habitat, of the Columbia River and its tributaries, particularly anadromous fish which are of significant importance to the social and economic well-being of the Pacific Northwest and the Nation and which are dependent on suitable environmental conditions substantially obtainable from the management and operation of the Federal Columbia River Power System and other power generating facilities on the Columbia River and its tributaries.

(Pub. L. 96-501, § 2, Dec. 5, 1980, 94 Stat. 2697.)

## REFERENCES IN TEXT

This chapter, referred to in provision preceding par. (1) and in par. (5), was in the original "this Act", meaning Pub. L. 96-501, Dec. 5, 1980, 94 Stat. 2697, known as the Pacific Northwest Electric Power Planning and Conservation Act, which enacted this chapter, amended sections 837, 838i, and 838k of this title, and enacted provisions set out as notes under this section. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

## EFFECTIVE DATE

Section 11 of Pub. L. 96-501 provided that: "This Act [enacting this chapter, amending sections 837, 838i, and 838k of this title, and enacting provisions set out as notes under this section] shall be effective on the date of enactment [Dec. 5, 1980], or October 1, 1980, whichever is later. For purposes of this Act, the term 'date of the enactment of this Act' means such date of enactment [Dec. 5, 1980] or October 1, 1980, whichever is later."

## SHORT TITLE

Section 1 of Pub. L. 96-501 provided in part that: "This Act [enacting this chapter, amending sections 837, 838i, and 838k of this title, and enacting provisions set out as notes under this section] may be cited as the 'Pacific Northwest Electric Power Planning and Conservation Act'."

**§ 839a. Definitions**

As used in this chapter, the term—

(1) "Acquire" and "acquisition" shall not be construed as authorizing the Administrator to construct, or have ownership of, under this