

July 27, 1964, or as hereafter specifically authorized by Congress: *Provided*, That, except with respect to electric transmission lines and related facilities for the purpose of transmitting electric energy between the two regions above mentioned, nothing herein shall be construed as expanding or diminishing in any way the present authority of the Secretary of Energy to construct transmission lines to market power and energy.

(Pub. L. 88-552, § 8, Aug. 31, 1964, 78 Stat. 758; Pub. L. 95-91, title III, § 302(a), Aug. 4, 1977, 91 Stat. 578.)

#### Statutory Notes and Related Subsidiaries

##### TRANSFER OF FUNCTIONS

“Secretary of Energy” substituted for “Secretary of the Interior” in the proviso in text pursuant to Pub. L. 95-91, § 302(a), which is classified to section 7152(a) of Title 42, The Public Health and Welfare.

#### § 837g-1. Construction of additional facilities by Secretary of Energy for mutually beneficial power sales between Pacific Northwest and California; contribution of funds by non-Federal entities

Notwithstanding the provisions of section 837g of this title, the Secretary of Energy is authorized to construct or participate in the construction of such additional facilities as he deems necessary to allow mutually beneficial power sales between the Pacific Northwest and California and to accept funds contributed by non-Federal entities for that purpose.

(Pub. L. 98-360, title III, July 16, 1984, 98 Stat. 416.)

#### Editorial Notes

##### CODIFICATION

Section was not enacted as part of Pub. L. 88-552 which comprises this chapter.

#### § 837h. Provisions not applicable to Canyon Ferry project or benefits and exchanges under Treaty between Canada and United States; preference of power users in Montana not modified

The provisions of this chapter shall not be applicable to (1) the Canyon Ferry project and (2), except as provided in section 837e of this title, downstream power benefits to which Canada is entitled under the treaty between Canada and the United States relating to the cooperative development of the water resources of the Columbia River Basin, signed at Washington, January 17, 1961, nor to energy or capacity disposed of to Canada in any exchange pursuant to paragraph 1 or 2 of article VIII thereof. Nothing in this chapter shall be construed to modify the geographical preference of power users in the State of Montana which is established by the Hungry Horse Dam Act (Act of June 4, 1944, 58 Stat. 270), as amended.

(Pub. L. 88-552, § 9, Aug. 31, 1964, 78 Stat. 758.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Hungry Horse Dam Act (Act of June 4, 1944, 58 Stat. 270), as amended, referred to in text, probably

means act June 5, 1944, ch. 234, 58 Stat. 270, which is classified to sections 593a and 593b of Title 43, Public Lands.

#### CHAPTER 12G—PACIFIC NORTHWEST FEDERAL TRANSMISSION SYSTEM

- Sec.  
838. Congressional findings; authority and duties of Secretary of Energy relating to Federal Columbia River Power System unaffected.
- 838a. Definitions.
- 838b. Operation and maintenance of Federal transmission system; construction of improvements, betterments, additions and replacements; criteria.
- 838c. Acquisition by condemnation of transmission facilities.
- 838d. Transmission of non-Federal power.
- 838e. Acquisition of property.
- 838f. Marketing of Federal power; sales agent.
- 838g. Schedules of rates and charges for sale of Federal power and transmission of non-Federal power; confirmation and approval; criteria for modification and establishment.
- 838h. Uniform schedules of rates and charges for sale of Federal power and transmission of non-Federal power; allocation of cost recovery.
- 838i. Bonneville Power Administration fund.
- 838j. Investment of excess moneys; deposit of moneys.
- 838k. Bonneville Power Administration bonds.
- 838l. Bonneville Power Administration refinancing.
- 838m. Power marketing administration transmission borrowing authority.
- 838n. Columbia Basin power management.

#### § 838. Congressional findings; authority and duties of Secretary of Energy relating to Federal Columbia River Power System unaffected

(a) Congress finds that in order to enable the Secretary of Energy to carry out the policies of Public Law 88-552 [16 U.S.C. 837 et seq.] relating to the marketing of electric power from hydroelectric projects in the Pacific Northwest, Public Laws 89-448 and 89-561 relating to use of revenues of the Federal Columbia River Power System to provide financial assistance to reclamation projects in the Pacific Northwest, the treaty between the United States and Canada relating to the cooperative development of the resources of the Columbia River Basin, and other applicable law, it is desirable and appropriate that the revenues of the Federal Columbia River Power System and the proceeds of revenue bonds be used to further the operation, maintenance, and further construction of the Federal transmission system in the Pacific Northwest.

(b) Other than as specifically provided herein, the present authority and duties of the Secretary of Energy relating to the Federal Columbia River Power System shall not be affected by this chapter. The authority and duties of the Administrator referred to herein are subject to the supervision and direction of the Secretary.

(Pub. L. 93-454, § 2, Oct. 18, 1974, 88 Stat. 1376; Pub. L. 95-91, title III, § 302(a)(1)(D), Aug. 4, 1977, 91 Stat. 578.)

#### Editorial Notes

##### REFERENCES IN TEXT

Public Law 88-552, referred to in subsec. (a), is act Aug. 31, 1964, 78 Stat. 756, which is classified generally

to chapter 12F (§837 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

Public Law 89-448, referred to in subsec. (a), is Pub. L. 89-448, §§ 1-3, June 14, 1966, 80 Stat. 200, which enacted sections 835j and 835k of this title and amended section 832h of this title.

Public Law 89-561, referred to in subsec. (a), is Pub. L. 89-561, §§ 1-6, Sept. 7, 1966, 80 Stat. 707, which enacted sections 835l and 835m of this title and section 1962d-6 of Title 42, The Public Health and Welfare, and amended sections 835j and 835k of this title.

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE

Pub. L. 93-454, § 1, Oct. 18, 1974, 88 Stat. 1376, provided that: "This Act [enacting this chapter] may be cited as the 'Federal Columbia River Transmission System Act'."

##### TRANSFER OF FUNCTIONS

"Secretary of Energy" substituted in text for "Secretary of the Interior" pursuant to Pub. L. 95-91, § 302(a)(1)(D), which is classified to section 7152(a)(1)(D) of Title 42, The Public Health and Welfare.

Functions of Secretary of the Interior with respect to Bonneville Power Administration transferred to Secretary of Energy by section 7152(a)(1)(D), (2) of Title 42, with Bonneville Power Administration to be preserved as a distinct organizational entity within Department of Energy and headed by an Administrator.

#### § 838a. Definitions

As used in this chapter—

(a) The term "Administrator" means the Administrator, Bonneville Power Administration.

(b) The term "electric power" means electric peaking capacity or electric energy, or both.

(c) The term "major transmission facilities" means transmission facilities intended to be used to provide services not previously provided by the Bonneville Power Administration with its own facilities.

(Pub. L. 93-454, § 3, Oct. 18, 1974, 88 Stat. 1376.)

#### Statutory Notes and Related Subsidiaries

##### TRANSFER OF FUNCTIONS

Functions of Secretary of the Interior with respect to Bonneville Power Administration transferred to Secretary of Energy by section 7152(a)(1)(D), (2) of Title 42, The Public Health and Welfare, with Bonneville Power Administration to be preserved as a distinct organizational entity within Department of Energy and headed by an Administrator.

#### § 838b. Operation and maintenance of Federal transmission system; construction of improvements, betterments, additions and replacements; criteria

The Secretary of Energy, acting by and through the Administrator, shall operate and maintain the Federal transmission system within the Pacific Northwest and shall construct improvements, betterments, and additions to and replacements of such system within the Pacific Northwest as he determines are appropriate and required to:

(a) integrate and transmit the electric power from existing or additional Federal or non-Federal generating units;

(b) provide service to the Administrator's customers;

(c) provide interregional transmission facilities; or

(d) maintain the electrical stability and electrical reliability of the Federal system: *Provided, however,* That the Administrator shall not construct any transmission facilities outside the Pacific Northwest, excepting customer service facilities within any contiguous areas, not in excess of seventy-five airline miles from said region, which are a part of the service area of a distribution cooperative which has (i) no generating facilities, and (ii) a distribution system from which it serves both within and without said region, nor shall he commence construction of any major transmission facility within the Pacific Northwest, unless the expenditure of the funds for the initiation of such construction is specifically approved by Act of Congress.

(Pub. L. 93-454, § 4, Oct. 18, 1974, 88 Stat. 1376; Pub. L. 95-91, title III, § 302(a)(1)(D), Aug. 4, 1977, 91 Stat. 578.)

#### Statutory Notes and Related Subsidiaries

##### TRANSFER OF FUNCTIONS

"Secretary of Energy" substituted in text for "Secretary of the Interior" pursuant to Pub. L. 95-91, § 302(a)(1)(D), which is classified to section 7152(a)(1)(D) of Title 42, The Public Health and Welfare.

#### § 838c. Acquisition by condemnation of transmission facilities

##### (a) Approval by Congress; exceptions

Unless specifically authorized by Act of Congress, the Administrator shall not expend funds made available under this chapter, other than funds specifically appropriated by the Congress for such purpose, to acquire any operating transmission facility by condemnation: *Provided,* That this provision shall not restrict the acquisition of the right to cross such a facility by condemnation.

##### (b) Notice of request for approval for construction or condemnation to contracting or interconnected entities in Pacific Northwest

At least sixty days prior to the time a request for approval or authority under this section or section 838b of this title is sent to Congress, the Administrator shall give notice of such request to entities in the Pacific Northwest with which the Administrator has power sales or exchange contracts or transmission contracts or which have a transmission interconnection with the Federal transmission system.

(Pub. L. 93-454, § 5, Oct. 18, 1974, 88 Stat. 1377.)

#### Statutory Notes and Related Subsidiaries

##### TRANSFER OF FUNCTIONS

Functions of Secretary of the Interior with respect to Bonneville Power Administration transferred to Secretary of Energy by section 7152(a)(1)(D), (2) of Title 42, The Public Health and Welfare, with Bonneville Power Administration to be preserved as a distinct organizational entity within Department of Energy and headed by an Administrator.

#### § 838d. Transmission of non-Federal power

The Administrator shall make available to all utilities on a fair and nondiscriminatory basis,