

# 42 U.S. Code § 7172 - Jurisdiction of Commission

## § 7172.

### Jurisdiction of Commission

#### (a) Transfer of functions from Federal Power Commission

(1) There are transferred to, and vested in, the Commission the following functions of the Federal Power Commission or of any member of the Commission or any officer or component of the Commission:

##### (A)

the investigation, issuance, transfer, renewal, revocation, and enforcement of licenses and permits for the construction, operation, and maintenance of dams, water conduits, reservoirs, powerhouses, transmission lines, or other works for the development and improvement of navigation and for the development and utilization of power across, along, from, or in navigable waters under part I of the Federal Power Act [[16 U.S.C. 791a](#) et seq.];

##### (B)

the establishment, review, and enforcement of rates and charges for the transmission or sale of electric energy, including determinations on construction work in progress, under part II of the Federal Power Act [[16 U.S.C. 824](#) et seq.], and the interconnection, under section 202(b), of such Act [[16 U.S.C. 824a\(b\)](#)], of facilities for the generation, transmission, and sale of electric energy (other than emergency interconnection);

##### (C)

the establishment, review, and enforcement of rates and charges for the transportation and sale of natural gas by a producer or gatherer or by a natural gas pipeline or natural gas company under sections 1, 4, 5, and 6 of the Natural Gas Act [[15 U.S.C. 717](#), 717c to 717e];

##### (D)

the issuance of a certificate of public convenience and necessity, including abandonment of facilities or services, and the establishment of physical connections under section 7 of the Natural Gas Act [[15 U.S.C. 717f](#)];

##### (E)

the establishment, review, and enforcement of curtailments, other than the establishment and review of priorities for such curtailments, under the Natural Gas Act [[15 U.S.C. 717](#) et seq.]; and

##### (F)

the regulation of mergers and securities acquisition under the Federal Power Act [[16 U.S.C. 791a](#) et seq.] and Natural Gas Act [[15 U.S.C. 717](#) et seq.].

(2) The Commission may exercise any power under the following sections to the extent the Commission determines such power to be necessary to the exercise of any function within the jurisdiction of the Commission:

##### (A)

sections 4, 301, 302, 306 through 309, and 312 through 316 of the Federal Power Act [[16 U.S.C. 797](#), 825, 825a, 825e to 825h, 825k to 825o]; and

##### (B)

sections 8, 9, 13 through 17, 20, and 21 of the Natural Gas Act [[15 U.S.C. 717g](#), 717h, 717i to 717p, 717s, 717t].

**(b) Repealed.** [Pub. L. 103–272](#), § 7(b), July 5, 1994, [108 Stat. 1379](#)

**(c) Consideration of proposals made by Secretary to amend regulations issued under [section 753 of title 15](#); exception**

**(1)**

Pursuant to the procedures specified in [section 7174 of this title](#) and except as provided in paragraph (2), the Commission shall have jurisdiction to consider any proposal by the Secretary to amend the regulation required to be issued under [section 753\(a\)](#) <sup>[1]</sup> of title 15 which is required by [section 757](#) or [760a](#) <sup>[1]</sup> of title 15 to be transmitted by the President to, and reviewed by, each House of Congress, under [section 6421 of this title](#).

**(2)**

In the event that the President determines that an emergency situation of overriding national importance exists and requires the expeditious promulgation of a rule described in paragraph (1), the President may direct the Secretary to assume sole jurisdiction over the promulgation of such rule, and such rule shall be transmitted by the President to, and reviewed by, each House of Congress under [section 757](#) or [760a](#) <sup>1</sup> of title 15, and [section 6421 of this title](#).

**(d) Matters involving agency determinations to be made on record after agency hearing**The Commission shall have jurisdiction to hear and determine any other matter arising under any other function of the Secretary—

**(1)**

involving any agency determination required by law to be made on the record after an opportunity for an agency hearing; or

**(2)**

involving any other agency determination which the Secretary determines shall be made on the record after an opportunity for an agency hearing,

except that nothing in this subsection shall require that functions under [sections 6213](#) and [6214](#) <sup>1</sup> of this title shall be within the jurisdiction of the Commission unless the Secretary assigns such a function to the Commission.

**(e) Matters assigned by Secretary after public notice and matters referred under [section 7174 of this title](#)**

In addition to the other provisions of this section, the Commission shall have jurisdiction over any other matter which the Secretary may assign to the Commission after public notice, or which are required to be referred to the Commission pursuant to [section 7174 of this title](#).

**(f) Limitation**

No function described in this section which regulates the exports or imports of natural gas or electricity shall be within the jurisdiction of the Commission unless the Secretary assigns such a function to the Commission.

**(g) Final agency action**

The decision of the Commission involving any function within its jurisdiction, other than action by it on a matter referred to it pursuant to [section 7174 of this title](#), shall be final agency action within the meaning of [section 704 of title 5](#) and shall not be subject to further review by the Secretary or any officer or employee of the Department.

**(h) Rules, regulations, and statements of policy**

The Commission is authorized to prescribe rules, regulations, and statements of policy of general applicability with respect to any function under the jurisdiction of the Commission pursuant to this section.

(Pub. L. 95–91, title IV, § 402, Aug. 4, 1977, 91 Stat. 583; Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379.)

# 42 U.S. Code § 7173 - Initiation of rulemaking procedures before Commission

## § 7173.

### Initiation of rulemaking procedures before Commission

#### (a) Proposal of rules, regulations, and statements of policy of general applicability by Secretary and Commission

The Secretary and the Commission are authorized to propose rules, regulations, and statements of policy of general applicability with respect to any function within the jurisdiction of the Commission under [section 7172 of this title](#).

#### (b) Consideration and final action on proposals of Secretary

The Commission shall have exclusive jurisdiction with respect to any proposal made under subsection (a), and shall consider and take final action on any proposal made by the Secretary under such subsection in an expeditious manner in accordance with such reasonable time limits as may be set by the Secretary for the completion of action by the Commission on any such proposal.

#### (c) Utilization of rulemaking procedures for establishment of rates and charges under Federal Power Act and Natural Gas Act

Any function described in [section 7172 of this title](#) which relates to the establishment of rates and charges under the Federal Power Act [[16 U.S.C. 791a](#) et seq.] or the Natural Gas Act [[15 U.S.C. 717](#) et seq.], may be conducted by rulemaking procedures. Except as provided in subsection (d), the procedures in such a rulemaking proceeding shall assure full consideration of the issues and an opportunity for interested persons to present their views.

#### (d) Submission of written questions by interested persons

With respect to any rule or regulation promulgated by the Commission to establish rates and charges for the first sale of natural gas by a producer or gatherer to a natural gas pipeline under the Natural Gas Act [[15 U.S.C. 717](#) et seq.], the Commission may afford any interested person a reasonable opportunity to submit written questions with respect to disputed issues of fact to other interested persons participating in the rulemaking proceedings. The Commission may establish a reasonable time for both the submission of questions and responses thereto.

(Pub. L. 95–91, title IV, § 403, Aug. 4, 1977, [91 Stat. 585](#).)