

119TH CONGRESS
2D SESSION

S. 4806

To clarify that the interconnection of large load facilities directly to facilities used for the transmission of electric energy in interstate commerce is a matter within the jurisdiction of the Federal Energy Regulatory Commission.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2026

Ms. LUMMIS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To clarify that the interconnection of large load facilities directly to facilities used for the transmission of electric energy in interstate commerce is a matter within the jurisdiction of the Federal Energy Regulatory Commission.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Promoting Oversight
5 of Wholesale Energy Reliability Act” or the “POWER Up
6 Act”.

1 **SEC. 2. CLARIFICATION OF FEDERAL JURISDICTION OVER**
 2 **LARGE LOAD INTERCONNECTION.**

3 Section 201 of the Federal Power Act (16 U.S.C.
 4 824) is amended by adding at the end the following:

5 “(h) JURISDICTION OVER LARGE LOAD INTER-
 6 CONNECTION.—

7 “(1) DEFINITIONS.—In this subsection:

8 “(A) COMMISSION.—The term ‘Commis-
 9 sion’ means the Federal Energy Regulatory
 10 Commission.

11 “(B) LARGE LOAD FACILITY.—

12 “(i) IN GENERAL.—The term ‘large
 13 load facility’ means any facility, or group
 14 of facilities described in clause (ii), the
 15 projected aggregate peak electricity de-
 16 mand of which is 100 megawatts or great-
 17 er, subject to clause (iii).

18 “(ii) GROUP OF FACILITIES DE-
 19 SCRIBED.—A group of facilities referred to
 20 in clause (i) is a group of facilities—

21 “(I) under common ownership or
 22 control; and

23 “(II) located at—

24 “(aa) a single site; or

25 “(bb) contiguous sites.

1 “(iii) ADJUSTMENT.—The Commis-
2 sion may, by rule, adjust the projected ag-
3 gregate peak electricity demand at which a
4 facility, or a group of facilities described in
5 clause (ii), will be considered to be a large
6 load facility, as the Commission determines
7 to be necessary to ensure—

8 “(I) the reliability of the bulk-
9 power system (as defined in section
10 215(a)); and

11 “(II) the provision of just, rea-
12 sonable, and not unduly discrimina-
13 tory or preferential transmission serv-
14 ice.

15 “(2) JURISDICTION OVER INTERCONNECTION.—

16 “(A) IN GENERAL.—The Commission shall
17 have jurisdiction over the interconnection of any
18 large load facility to 1 or more facilities used
19 for the transmission of electric energy in inter-
20 state commerce.

21 “(B) TREATMENT.—The interconnection
22 of a large load facility as described in subpara-
23 graph (A) shall be—

1 “(i) subject to the requirements of
2 this section, section 205, and section 206;
3 and

4 “(ii) considered to be a component of
5 open access transmission service.

6 “(3) RULEMAKING.—Not later than 18 months
7 after the date of enactment of this subsection, the
8 Commission shall issue a final rule establishing—

9 “(A) standardized procedures and agree-
10 ments for the interconnection of large load fa-
11 cilities, including procedures for hybrid facilities
12 that combine large load and generation at a
13 single point of interconnection; and

14 “(B) a test for transmission facilities to
15 aid in the interconnection of large load facilities
16 and transmission facilities, including trans-
17 mission lines.

18 “(4) PRESERVATION OF STATE AUTHORITY.—
19 Nothing in this subsection affects the authority of
20 any State or local government over—

21 “(A) the siting, permitting, or construction
22 of any facility;

23 “(B) retail electric service or rates;

24 “(C) facilities used in the local distribution
25 of electric energy; or

1

“(D) the generation of electric energy.”.

○