

EPRA's transmission provisions are closely aligned with those of CETA

November 2024

The Energy Permitting Reform Act (EPRA) and the Clean Electricity and Transmission Acceleration (CETA) Act share closely aligned transmission provisions aimed at modernizing and expanding the U.S. electric grid. Below is a comparison of key transmission provisions in both EPRA and CETA to highlight their alignment.



Backstop siting

Both approaches avoid the “double NEPA” problem, making backstop siting far more workable.

CETA

Sec 107 Grants FERC exclusive authority to site national interest transmission lines (over 1,000 MW capacity and crossing two or more states). FERC's decision to exercise this authority must be based on the project's impact on reliability, resilience, renewable energy enablement, utilization of existing facilities, and limited use of eminent domain.

EPRA

Sec 401(b) Eliminates requirement for DOE to designate National Interest Electric Transmission Corridors (NIETCs), allowing FERC to issue construction permits for projects in the national interest that (1) meet requirements of current law, (2) improve electric reliability (as defined in new Sec 225(a)(3) of the FPA, established by EPRA Sec 402), and (3) meet a minimum voltage threshold.



Transmission Cost Allocation

The cost allocation standard in both bills follows current case law and recent FERC orders. Both approaches create a useful new process at FERC that doesn't currently exist.

CETA

Sec 103 Directs FERC to allocate the costs of any “transmission facility of national significance” to customers in a way that is roughly commensurate with the reasonably anticipated transmission benefits.

EPRA

Sec 401(e) Requires utilities that receive a construction permit for a project in the national interest under this section to file a tariff for approval with FERC for cost allocation. Also requires that such filings are just and reasonable and in accordance with the cost-causation principle.



Interregional Transmission Planning

EPRA is much stronger and more specific in addressing past failure modes of planning. Both provisions have similar intent.

CETA

Sec 102 Directs FERC to improve interregional planning and produce an annual report on progress.

EPRA

Sec 402 Requires FERC to issue a rule on interregional transmission planning within 180 days of enactment. This rule mandates that neighboring planning regions plan jointly with each other, submit these joint plans to FERC for approval, and establish rate treatments for interregional planning and cost allocation. Plans must follow a consistent timeline, using shared assumptions and models.

Requires companies responsible for facilities built or modified under this section to file a tariff for approval with FERC for cost allocation, using the standard in Sec 401. Lines built due to these plans automatically meet the national interest criteria for permitting, subject to first applying to the states. Also establishes a mechanism for FERC to either grant an extension or mandate compliance with a plan if regions fail to submit an interregional plan.

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Transmission Categorical Exclusions

EPRA provides an important means of accelerating use of existing corridors.

CETA

Not directly addressed

EPRA

Sec 209 Directs the Departments of Interior and Agriculture to issue categorical exclusions under NEPA to accelerate permitting for electric transmission or distribution facilities within recently approved rights-of-way corridors, modifications or upgrades to existing transmission or distribution facilities or other grid infrastructure within existing rights-of-way or on otherwise previously disturbed or developed land (including reconductoring and the installation of grid-enhancing technologies), and the deployment of energy storage technologies on previously disturbed or developed land.

Minimum Transfer Capability

The strong EPRA provision on interregional planning is equally as good as a minimum transfer approach. It is an alternative way to encourage the same interregional transmission capacity expansion.

CETA

Sec 106 Directs FERC to set minimum levels of electricity transfer capabilities between regions, and to require coordination among neighboring planning regions to plan for the required interregional transmission. Each region must achieve a minimum transfer level of 30% of its peak electricity demand (or 15% if it borders only one other region), unless a planning region can show that a lower level provides equal or greater benefits.

EPRA

Interregional planning is an alternative to minimum transfer capability to encourage similar interregional transmission coordination and capacity expansion

Transmission Investment Tax Credit

EPRA is not a budget bill. The ITC should be a top priority for 2025-6 tax policy.

CETA

Sec 110 Creates a 30% Investment Tax Credit, requiring prevailing wages and other requirements for full value, similar to how IRA incentives work.

EPRA

Not directly addressed

Community Benefits

EPRA includes strong provisions for community benefits by authorizing direct payments to communities.

CETA

Multiple provisions related to community engagement and environmental justice in Title VI.

EPRA

Section 401(h) Enables rate recovery for payments to localities to provide benefits for communities impacted by transmission projects permitted under the bill