

Mergers or Consolidations by a Public Utility: February 26th Federal Energy Regulatory Commission Final Rule Published



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The Federal Energy Regulatory Commission (“FERC”) published a February 26th final rule in the Federal Register revising its regulations relating to mergers or consolidations by a public utility. See 84 Fed. Reg. 6069.

The final rule amends the FERC’s regulations to establish that a public utility must seek authorization under amended section 203(a)(1)(B) of the Federal Power Act (“FPA”) to merge or consolidate, directly or indirectly, its facilities subject to the jurisdiction of the FERC, or any part thereof, with the facilities of any other person, or any part thereof, that are subject to the jurisdiction of the FERC and have a value in excess of \$10 million, by any means whatsoever.

The final rule also establishes, as required by the FPA, a requirement to submit a notification filing for mergers or consolidations by a public utility if:

- the facilities to be acquired have a value in excess of \$1 million; and
- such public utility is not required to secure FERC authorization under amended section 203(a)(1)(B).

Organizations submitting comments on the previous November 15, 2018, proposed rule included:

- American Public Power Association
- Edison Electric Institute
- Idaho Power Company
- International Transmission Company
- National Rural Electric Cooperative Association
- Transmission Access Policy Study Group

A copy of the Federal Register notice can be found [here](#).