

106TH CONGRESS
2D SESSION

H. R. 5626

To amend the Federal Power Act to provide additional authority to the Federal Energy Regulatory Commission to order refunds of unjust, unreasonable, unduly discriminatory or preferential rates and charges for electricity, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2000

Mr. FILNER introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Federal Power Act to provide additional authority to the Federal Energy Regulatory Commission to order refunds of unjust, unreasonable, unduly discriminatory or preferential rates and charges for electricity, and for other purposes.

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. ADDITIONAL REFUND AUTHORITY UNDER FED-**
4 **ERAL POWER ACT.**

5 Section 206 of the Federal Power Act (16 U.S.C.
6 824e) is amended by adding the following at the end there-
7 of:

1 “(e)(1) The provisions of this subsection shall apply
2 only to refunds of rates and charges in effect pursuant
3 to a rule or order of the Commission providing for market-
4 based rates and charges for a transmission or sale of elec-
5 tric energy subject to the jurisdiction of the Commission.
6 The provisions of subsection (b) concerning refunds shall
7 not apply to such rates and charges.

8 “(2) When the Commission has found, after notice
9 and opportunity for a hearing, on its own motion or upon
10 complaint, that any rate or charge referred to in para-
11 graph (1) is unjust, unreasonable, unduly discriminatory
12 or preferential, the Commission may order a refund of the
13 portion of such rate or charge that exceeds the rate or
14 charge that the Commission finds to be just, reasonable
15 and not unduly discriminatory or preferential. Such re-
16 fund shall include interest from the date on which the rate
17 or charge was paid.

18 “(3) No order providing for a refund under this sub-
19 section may be issued with respect to amounts paid prior
20 to the date 2 years before the date on which the notice
21 referred to in paragraph (2) is published in the Federal
22 Register.”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall not apply to any complaint filed before
25 August 1, 2000.

1 (c) SAVINGS PROVISIONS.—Nothing in the amend-
2 ment made by subsection (a) shall affect any authority
3 of the Commission (or of any court) existing before the
4 enactment of this section, including any such authority to
5 issue any rule or order relating to market-based rates, to
6 approve or fix rates and charges, or to order refunds of
7 any rate or charge.

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