

Union Calendar No. 126

114TH CONGRESS
1ST SESSION

H. R. 2042

[Report No. 114-171]

To allow for judicial review of any final rule addressing carbon dioxide emissions from existing fossil fuel-fired electric utility generating units before requiring compliance with such rule, and to allow States to protect households and businesses from significant adverse effects on electricity ratepayers or reliability.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2015

Mr. WHITFIELD (for himself, Mr. GRIFFITH, Mr. BISHOP of Georgia, and Mr. PETERSON) introduced the following bill; which was referred to the Committee on Energy and Commerce

JUNE 19, 2015

Additional sponsors: Ms. SEWELL of Alabama, Mr. LATTA, Mr. MCKINLEY, Mr. GUTHRIE, Mr. SESSIONS, Mrs. ELLMERS of North Carolina, Mr. DUNCAN of Tennessee, Mr. STIVERS, Mr. MULLIN, Mr. CRAMER, Mr. BARR, Mr. GIBBS, Mr. MURPHY of Pennsylvania, Mr. JONES, Mr. BROOKS of Alabama, Mr. BYRNE, Mr. ROGERS of Alabama, Mr. KELLY of Pennsylvania, Mr. DESANTIS, Mr. BOST, Mr. CRAWFORD, Mrs. HARTZLER, Mr. COLLINS of New York, Mr. ROUZER, Mr. FORBES, Mr. JENKINS of West Virginia, Mrs. BLACK, Mr. LONG, Mrs. LUMMIS, Mr. DESJARLAIS, Mrs. WAGNER, Mr. STEWART, Mr. HARPER, Mr. WOMACK, Mr. ROE of Tennessee, Mr. FLORES, Mr. JOHNSON of Ohio, Mr. KLINE, Ms. JENKINS of Kansas, Mr. PALAZZO, Mr. HUDSON, Mr. BABIN, Mr. ABRAHAM, Mr. TIPTON, Mr. ZINKE, Mr. SENSENBRENNER, Mr. BRIDENSTINE, Mr. MCCAUL, Mr. BILIRAKIS, Mr. RIBBLE, Mrs. BROOKS of Indiana, Mrs. ROBY, Mr. BARTON, Mr. SHUSTER, Mr. JOLLY, Mr. ASHFORD, Mr. LUETKEMEYER, Mr. CARTER of Georgia, Mr. SMITH of Texas, Mr. CRENSHAW, Mr. LAMBORN, Mrs. LOVE, Mr. LOUDERMILK, and Ms. MCSALLY

JUNE 19, 2015

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To allow for judicial review of any final rule addressing carbon dioxide emissions from existing fossil fuel-fired electric utility generating units before requiring compliance with such rule, and to allow States to protect households and businesses from significant adverse effects on electricity ratepayers or reliability.

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 “Ratepayer Protection
5 Act of 2015”.

6 **SEC. 2. EXTENDING COMPLIANCE DATES OF RULES AD-**
7 **DRESSING CARBON DIOXIDE EMISSIONS**
8 **FROM EXISTING POWER PLANTS PENDING**
9 **JUDICIAL REVIEW.**

10 (a) EXTENSION OF COMPLIANCE DATES.—

11 (1) EXTENSION.—Each compliance date of any
12 final rule described in subsection (b) is deemed to be
13 extended by the time period equal to the time period
14 described in subsection (c).

15 (2) DEFINITION.—In this subsection, the term
16 “compliance date”—

17 (A) means, with respect to any require-
18 ment of a final rule described in subsection (b),
19 the date by which any State, local, or tribal
20 government or other person is first required to
21 comply; and

22 (B) includes the date by which State plans
23 are required to be submitted to the Environ-
24 mental Protection Agency under any such final
25 rule.

1 (b) FINAL RULES DESCRIBED.—A final rule de-
2 scribed in this subsection is any final rule to address car-
3 bon dioxide emissions from existing sources that are fossil
4 fuel-fired electric utility generating units under section
5 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), includ-
6 ing any final rule that succeeds—

7 (1) the proposed rule entitled “Carbon Pollu-
8 tion Emission Guidelines for Existing Stationary
9 Sources: Electric Utility Generating Units” pub-
10 lished at 79 Fed. Reg. 34830 (June 18, 2014); or

11 (2) the supplemental proposed rule entitled
12 “Carbon Pollution Emission Guidelines for Existing
13 Stationary Sources: EGUs in Indian Country and
14 U.S. Territories; Multi-Jurisdictional Partnerships”
15 published at 79 Fed. Reg. 65482 (November 4,
16 2014).

17 (c) PERIOD DESCRIBED.—The time period described
18 in this subsection is the period of days that—

19 (1) begins on the date that is 60 days after the
20 day on which notice of promulgation of a final rule
21 described in subsection (b) appears in the Federal
22 Register; and

23 (2) ends on the date on which judgment be-
24 comes final, and no longer subject to further appeal
25 or review, in all actions (including actions that are

1 filed pursuant to section 307 of the Clean Air Act
2 (42 U.S.C. 7607))—

3 (A) that are filed during the 60 days de-
4 scribed in paragraph (1); and

5 (B) that seek review of any aspect of such
6 rule.

7 **SEC. 3. RATEPAYER PROTECTION.**

8 (a) EFFECTS OF PLANS.—No State shall be required
9 to adopt or submit a State plan, and no State or entity
10 within a State shall become subject to a Federal plan, pur-
11 suant to any final rule described in section 2(b), if the
12 Governor of such State makes a determination, and noti-
13 fies the Administrator of the Environmental Protection
14 Agency, that implementation of the State or Federal plan
15 would—

16 (1) have a significant adverse effect on the
17 State’s residential, commercial, or industrial rate-
18 payers, taking into account—

19 (A) rate increases that would be necessary
20 to implement, or are associated with, the State
21 or Federal plan; and

22 (B) other rate increases that have been or
23 are anticipated to be necessary to implement, or
24 are associated with, other Federal or State en-
25 vironmental requirements; or

1 (2) have a significant adverse effect on the reli-
2 ability of the State’s electricity system, taking into
3 account the effects on the State’s—

4 (A) existing and planned generation and
5 retirements;

6 (B) existing and planned transmission and
7 distribution infrastructure; and

8 (C) projected electricity demands.

9 (b) CONSULTATION.—In making a determination
10 under subsection (a), the Governor of a State shall consult
11 with—

12 (1) the public utility commission or public serv-
13 ice commission of the State;

14 (2) the environmental protection, public health,
15 and economic development departments or agencies
16 of the State; and

17 (3) the Electric Reliability Organization (as de-
18 fined in section 215 of the Federal Power Act (16
19 U.S.C. 824o)).

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