

116TH CONGRESS  
2D SESSION

# H. R. 5718

To establish a refund effective date for rates and charges under the Natural Gas Act, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2020

Mr. BUTTERFIELD (for himself and Mr. LONG) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To establish a refund effective date for rates and charges  
under the Natural Gas Act, 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. SHORT TITLE.**

4 This Act may be cited as the “Protecting Natural  
5 Gas Consumers from Overcharges Act of 2020”.

6 **SEC. 2. FIXING RATES AND CHARGES, REFUND EFFECTIVE**

7 **DATE.**

8 Section 5(a) of the Natural Gas Act (15 U.S.C.  
9 717d(a)) is amended—

1           (1) by striking “Whenever” and inserting “(1)  
2    Whenever”;

3           (2) by striking “had” and inserting “held”; and

4           (3) by adding at the end the following:

5           “(2) Any complaint or motion of the Commission to  
6 initiate a proceeding under this subsection shall state the  
7 change or changes to be made to the rate, charge, classi-  
8 fication, rule, regulation, practice, or contract in force,  
9 and the reasons for any proposed change or changes there-  
10 in.

11          “(3) If, after review of any motion or complaint and  
12 answer under this subsection, the Commission shall decide  
13 to hold a hearing, it shall—

14           “(A) fix by order the time and place of such  
15 hearing; and

16           “(B) specify the issues to be adjudicated.

17          “(4) Whenever the Commission institutes a pro-  
18 ceeding under this subsection, the Commission shall estab-  
19 lish a refund effective date as follows:

20           “(A) In the case of a proceeding instituted on  
21 complaint, the refund effective date shall not be ear-  
22 lier than the date of the filing of such complaint nor  
23 later than 5 months after the filing of such com-  
24 plaint.

1           “(B) In the case of a proceeding instituted by  
2           the Commission on its own motion, the refund effec-  
3           tive date shall not be earlier than the date of the  
4           publication by the Commission of notice of its inten-  
5           tion to initiate such proceeding nor later than 5  
6           months after the publication date.

7           “(5) Upon institution of a proceeding under this sub-  
8           section, the Commission shall give to the decision of such  
9           proceeding the same preference as provided under section  
10          4 and otherwise act as speedily as possible.

11          “(6) If no final decision is rendered by the conclusion  
12          of the 180-day period commencing upon initiation of a  
13          proceeding pursuant to this subsection, the Commission  
14          shall—

15                 “(A) state the reasons why it has failed to  
16                 render such decision; and

17                 “(B) state its best estimate as to when it rea-  
18                 sonably expects to make such decision.

19          “(7) In any proceeding under this subsection, the  
20          burden of proof to show that any rate, charge, classifica-  
21          tion, rule, regulation, practice, or contract is unjust, un-  
22          reasonable, unduly discriminatory, or preferential shall be  
23          upon the Commission or the complainant.

24          “(8) At the conclusion of any proceeding under this  
25          subsection, the Commission may order refunds—

1           “(A) of any amounts paid, for the period subse-  
2           quent to the refund effective date through a date fif-  
3           teen months after such refund effective date, in ex-  
4           cess of those which would have been paid under the  
5           just and reasonable rate, charge, classification, rule,  
6           regulation, practice, or contract which the Commis-  
7           sion orders to be thereafter observed and in force:  
8           *Provided*, That if the proceeding is not concluded  
9           within fifteen months after the refund effective date  
10          and if the Commission determines at the conclusion  
11          of the proceeding that the proceeding was not re-  
12          solved within the fifteen-month period primarily be-  
13          cause of dilatory behavior by the natural gas com-  
14          pany, the Commission may order refunds of any or  
15          all amounts paid for the period subsequent to the re-  
16          fund effective date and prior to the conclusion of the  
17          proceeding; and

18           “(B) be made, with interest, to those persons  
19          who have paid those rates or charges which are the  
20          subject of the proceeding.”.

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