

118TH CONGRESS
2D SESSION

H. R. 10018

To require retail electric utilities to notify electric consumers of rate increases,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2024

Mr. VAN DREW introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To require retail electric utilities to notify electric consumers
of rate increases, 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 Our Wallets
5 from Excessive Rates Act” or the “POWER Act”.

6 **SEC. 2. NOTIFICATION REQUIREMENTS FOR PLANNED**
7 **RATE INCREASES.**

8 (a) PUBLIC NOTIFICATION AND JUSTIFICATION RE-
9 QUIREMENT.—

1 (1) NOTIFICATION TO ELECTRIC CONSUMERS.—

2 A retail electric utility that intends to increase any
3 rate applicable to electric consumers shall, in accord-
4 ance with this subsection, provide notification to
5 electric consumers that will be impacted by the rate
6 increase at least 30 days prior to implementing the
7 rate increase.

8 (2) CONTENT OF NOTIFICATION.—A notifica-
9 tion provided under paragraph (1) shall include the
10 following:

11 (A) A clear statement of the percentage of
12 the rate increase.

13 (B) A detailed breakdown of the reasons
14 and justifications for the rate increase.

15 (C) An explanation of how the increased
16 rate will impact the average electric consumer's
17 bill.

18 (D) Information on how electric consumers
19 can provide feedback or file a complaint regard-
20 ing the rate increase.

21 (3) METHODS OF NOTIFICATION.—A retail elec-
22 tric utility shall provide notification under paragraph
23 (1) using multiple communication channels to en-
24 sure, to the extent feasible, that all impacted electric
25 consumers are provided such notification, including

1 by providing notification by direct mail or email to
2 such electric consumers, posting the notification on
3 the retail electric utility's official website, and pub-
4 lishing the notification in local newspapers and other
5 local media outlets.

6 (4) PENALTIES FOR NON-COMPLIANCE.—

7 (A) IN GENERAL.—A retail electric utility
8 that violates or fails or refuses to comply with
9 the notification requirement under paragraph
10 (1)—

11 (i) shall be subject to a civil penalty
12 in an amount not to exceed \$10,000; and

13 (ii) may not implement the applicable
14 rate increase until such notification re-
15 quirement is met.

16 (B) ASSESSMENT.—A penalty under sub-
17 paragraph (A) shall be assessed by the Federal
18 Energy Regulatory Commission after notice and
19 opportunity for public hearing. In determining
20 the amount of such a penalty, the Commission
21 shall take into consideration the nature and se-
22 riousness of the violation, failure, or refusal and
23 the efforts of the retail electric utility to remedy
24 the violation, failure, or refusal in a timely
25 manner.

1 (b) DEPARTMENT OF ENERGY NOTIFICATION RE-
2 QUIREMENT.—

3 (1) NOTIFICATION.—A retail electric utility
4 shall submit to the Secretary of Energy a notifica-
5 tion of any planned rate increase of 5 percent or
6 more for any rate applicable to electric consumers,
7 at least 60 days prior to the implementation of such
8 rate increase.

9 (2) CONTENT OF NOTIFICATION.—A notifica-
10 tion submitted under paragraph (1) shall include—

11 (A) identification of the percentage by
12 which the rate will be increased;

13 (B) a comprehensive justification for such
14 rate increase, including cost drivers and finan-
15 cial impact;

16 (C) an assessment of the potential impacts
17 on electric consumers; and

18 (D) any proposed mitigation measures to
19 be taken by the retail electric utility.

20 (3) PRE-IMPLEMENTATION REVIEW BY DOE.—
21 The Secretary of Energy shall—

22 (A) upon receiving a notification under this
23 subsection, review the justification described in
24 paragraph (2)(B); and

(B) not later than 30 days after receiving a notification under this subsection, publish a report on the Secretary's findings regarding the applicable planned rate increase, including—

(i) an assessment of the potential impacts on electric consumers; and

(ii) any recommendations—

(I) for adjustments to the planned rate increase;

(II) on ways to mitigate the impacts of the rate increase on electric consumers, including—

(aa) phasing in price increases; and

(bb) financial aid options for electric consumers; and

(III) for how the retail electric utility can improve or increase efficiency to avoid future rate increases.

(4) MONITORING BY DOE.—The Secretary of Energy shall, after a rate increase described in paragraph (1) is implemented, monitor the impacts of such rate increase on the market and on electric consumers to evaluate if the rate increase has had

1 the impacts described in paragraph (3)(B) and if
2 further action is needed.

3 (c) DEFINITIONS.—In this section:

4 (1) ELECTRIC CONSUMER.—The term “electric
5 consumer” has the meaning given such term in sec-
6 tion 3(5) of the Public Utility Regulatory Policies
7 Act of 1978 (16 U.S.C. 2602(5)).

8 (2) ELECTRIC UTILITY.—The term “electric
9 utility” has the meaning given such term in section
10 3(4) of the Public Utility Regulatory Policies Act of
11 1978 (16 U.S.C. 2602(4)).

12 (3) RETAIL ELECTRIC UTILITY.—The term “re-
13 tail electric utility” means an electric utility that
14 sells electric energy for purposes other than resale.

○