

AMENDMENT TO THE COMMITTEE PRINT
OFFERED BY MS. SCHAKOWSKY

At the end of title II, add the following new section:

1 **SEC. 2404. REFUND EFFECTIVE DATE.**

2 Section 5 of the Natural Gas Act (15 U.S.C.717e)
3 is amended—

4 (1) at the end of subsection (a), by inserting
5 “Any complaint or motion of the Commission to ini-
6 tiate a proceeding under this section shall state the
7 change or changes to be made in the rate, charge,
8 classification, rule, regulation, practice, or contract
9 then in force, and the reasons for any proposed
10 change or changes therein. If, after review of any
11 motion or complaint and answer, the Commission
12 shall decide to hold a hearing, it shall fix by order
13 the time and place of such hearing and shall specify
14 the issues to be adjudicated.”;

15 (2) by redesignating subsection (b) as sub-
16 section (c); and

17 (3) by inserting after subsection (a) the fol-
18 lowing new subsection:

19 “(b) REFUND EFFECTIVE DATE; PREFERENTIAL
20 PROCEEDINGS; STATEMENT OF REASONS FOR DELAY;
21 BURDEN OF PROOF; SCOPE OF REFUND ORDER; REFUND

1 ORDERS IN CASES OF DILATORY BEHAVIOR; INTER-
2 EST.—Whenever the Commission institutes a proceeding
3 under this section, the Commission shall establish a re-
4 fund effective date. In the case of a proceeding instituted
5 on complaint, the refund effective date shall not be earlier
6 than the date of the filing of such complaint nor later than
7 5 months after the filing of such complaint. In the case
8 of a proceeding instituted by the Commission on its own
9 motion, the refund effective date shall not be earlier than
10 the date of the publication by the Commission of notice
11 of its intention to initiate such proceeding nor later than
12 5 months after the publication date. Upon institution of
13 a proceeding under this section, the Commission shall give
14 to the decision of such proceeding the same preference as
15 provided under section 4 of this Act and otherwise act as
16 speedily as possible. If no final decision is rendered by the
17 refund effective date or by the conclusion of the 180-day
18 period commencing upon initiation of a proceeding pursu-
19 ant to this section, whichever is earlier, the Commission
20 shall state the reasons why it has failed to do so and shall
21 state its best estimate as to when it reasonably expects
22 to make such decision. In any proceeding under this sec-
23 tion, the burden of proof to show that any rate, charge,
24 classification, rule, regulation, practice, or contract is un-
25 just, unreasonable, unduly discriminatory, or preferential

1 shall be upon the Commission or the complainant. At the
2 conclusion of any proceeding under this section, the Com-
3 mission may order the natural gas company to make re-
4 funds of any amounts paid, for the period subsequent to
5 the refund effective date through a date fifteen months
6 after such refund effective date, in excess of those which
7 would have been paid under the just and reasonable rate,
8 charge, classification, rule, regulation, practice, or con-
9 tract which the Commission orders to be thereafter ob-
10 served and in force: Provided, That if the proceeding is
11 not concluded within fifteen months after the refund effec-
12 tive date and if the Commission determines at the conclu-
13 sion of the proceeding that the proceeding was not re-
14 solved within the fifteen-month period primarily because
15 of dilatory behavior by the natural gas company, the Com-
16 mission may order refunds of any or all amounts paid for
17 the period subsequent to the refund effective date and
18 prior to the conclusion of the proceeding. The refunds
19 shall be made, with interest, to those persons who have
20 paid those rates or charges which are the subject of the
21 proceeding.”.