

H.R. ____, “Ratepayer Protection Act”

SECTION-BY-SECTION

Section 1: This section provides the short title of “Ratepayer Protection Act.”

Section 2: This section would extend the compliance dates of any final rule issued under Section 111(d) of the Clean Air Act addressing carbon dioxide (CO₂) emissions from existing fossil fuel-fired electric utility generating units.

Section 2(a) provides that the term “compliance date” means the date by which any State, local or tribal government or other person is first required to comply with the rule, including the date for submittal of State plans to the Environmental Protection Agency (EPA).

Section 2(b) provides that the final rules subject to the Act including any final rule that addresses CO₂ emissions from existing sources that are fossil fuel-fired electric utility generating units under section 111(d) of the Clean Air Act (CAA), including any final rule that succeeds the EPA’s proposed rules published at 79 Fed. Reg. 34830 (June 18, 2014) or 79 Fed. Reg. 65482 (November 4, 2014).

Section 2(c) provides that the time period by which the compliance dates would be extended would be the period of time that begins 60 days after the final rule appears in the Federal Register, and ends on the date on which judgment becomes final, and no longer subject to further appeal or review, in all actions filed during the initial 60 days after the rule appears in the Federal Register seeking review of the rule, including actions that are filed pursuant to CAA section 307.

Sec. 3: This section provides that no State shall be required to adopt a State plan, and no State or entity within a State shall become subject to a Federal plan, pursuant to any final rule described in section 2(b), if the Governor of the State makes a determination, and notifies the EPA Administrator, that implementation of the State or Federal plan would have a significant adverse effect on 1) the State’s residential, commercial, or industrial ratepayers, taking into account the rate increases necessary to implement the State or Federal plan, and other rate increases that have been or are anticipated to be necessary to implement other Federal or State environmental requirements; or 2) the reliability of the State’s electricity system, taking into account the effects on the State’s existing and planned generation and retirements, transmission and distribution infrastructure, and projected electricity demands.

This section further provides that in making such a determination, the Governor consult with the State’s energy, environmental, public health, and economic development departments or agencies, and any regional entity, as defined in section 215 of the Federal Power Act, whose jurisdiction includes the State.