

114TH CONGRESS
1ST SESSION

H. R. 2042

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

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”.

1 **SEC. 2. EXTENDING COMPLIANCE DATES OF RULES AD-**
2 **DRESSING CARBON DIOXIDE EMISSIONS**
3 **FROM EXISTING POWER PLANTS PENDING**
4 **JUDICIAL REVIEW.**

5 (a) EXTENSION OF COMPLIANCE DATES.—

6 (1) EXTENSION.—Each compliance date of any
7 final rule described in subsection (b) is deemed to be
8 extended by the time period equal to the time period
9 described in subsection (c).

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

12 (A) means, with respect to any require-
13 ment of a final rule described in subsection (b),
14 the date by which any State, local, or tribal
15 government or other person is first required to
16 comply; and

17 (B) includes the date by which State plans
18 are required to be submitted to the Environ-
19 mental Protection Agency under any such final
20 rule.

21 (b) FINAL RULES DESCRIBED.—A final rule de-
22 scribed in this subsection is any final rule to address car-
23 bon dioxide emissions from existing sources that are fossil
24 fuel-fired electric utility generating units under section
25 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), includ-
26 ing any final rule that succeeds—

(1) the proposed rule entitled “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units” published at 79 Fed. Reg. 34830 (June 18, 2014); or

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

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

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

(2) ends on the date on which judgment becomes final, and no longer subject to further appeal or review, in all actions (including actions that are filed pursuant to section 307 of the Clean Air Act (42 U.S.C. 7607))—

(A) that are filed during the 60 days described in paragraph (1); and

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

1 **SEC. 3. RATEPAYER PROTECTION.**

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

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

13 (A) rate increases that would be necessary
14 to implement, or are associated with, the State
15 or Federal plan; and

16 (B) other rate increases that have been or
17 are anticipated to be necessary to implement, or
18 are associated with, other Federal or State en-
19 vironmental requirements; or

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

23 (A) existing and planned generation and
24 retirements;

25 (B) existing and planned transmission and
26 distribution infrastructure; and

1 (C) projected electricity demands.

2 (b) CONSULTATION.—In making a determination
3 under subsection (a), the Governor of a State shall consult
4 with—

5 (1) the public utility commission or public serv-
6 ice commission of the State;

7 (2) the environmental protection, public health,
8 and economic development departments or agencies
9 of the State; and

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

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