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S. 687

To enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 1, 1997

Mr. JEFFORDS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, 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 “Electric System Public
5 Benefits Protection Act of 1997”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) the generation of electricity is unique in its
2 combined influence on the Nation's security, envi-
3 ronmental quality, and economic efficiency;

4 (2) the generation and sale of electricity has a
5 direct and profound impact on interstate commerce;

6 (3) the Federal Government and the States
7 have a joint responsibility for the maintenance of
8 public purpose programs affected by the national
9 electric system;

10 (4) notwithstanding the public's interest in and
11 enthusiasm for programs that enhance the environ-
12 ment, encourage the efficient use of resources, and
13 provide for affordable and universal service, the in-
14 vestments in those public purposes by existing
15 means continues to decline;

16 (5) the Nation's dependence on foreign sources
17 of fossil fuels is contrary to our national security; al-
18 ternative, sustainable energy sources must be pur-
19 sued as the Nation moves into the 21st century;

20 (6) emissions from electric power generating fa-
21 cilities are today the largest industrial source re-
22 sponsible for persistent public health and environ-
23 mental problems; and

1 (7) consumers have a right to certain informa-
2 tion in order to make objective choices on their elec-
3 tric service providers.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Environ-
8 mental Protection Agency.

9 (2) BOARD.—The term “Board” means the Na-
10 tional Electric System Public Benefits Board estab-
11 lished under section 4.

12 (3) COMMISSION.—The term “Commission”
13 means the Federal Energy Regulatory Commission.

14 (4) FUND.—The term “Fund” means the Na-
15 tional Electric System Public Benefits Fund estab-
16 lished by section 5.

17 (5) RENEWABLE ENERGY.—The term “renew-
18 able energy” means electricity generated from wind,
19 organic waste (excluding incinerated municipal solid
20 waste), or biomass or a geothermal, solar thermal,
21 or photovoltaic source.

22 (6) SECRETARY.—The term “Secretary” means
23 the Secretary of Energy.

1 **SEC. 4. NATIONAL ELECTRIC SYSTEM PUBLIC BENEFITS**
2 **BOARD.**

3 (a) ESTABLISHMENT.—The Secretary shall establish
4 a National Electric System Public Benefits Board to carry
5 out the functions and responsibilities described in this sec-
6 tion.

7 (b) MEMBERSHIP.—The Board shall be composed
8 of—

9 (1) 1 representative of the Commission ap-
10 pointed by the Commission;

11 (2) 2 representatives of the Secretary appointed
12 by the Secretary;

13 (3) 2 persons nominated by the national organi-
14 zation representing State regulatory commissioners
15 and appointed by the Secretary;

16 (4) 1 person nominated by the national organi-
17 zation representing State utility consumer advocates
18 and appointed by the Secretary;

19 (5) 1 person nominated by the national organi-
20 zation representing State energy offices and ap-
21 pointed by the Secretary;

22 (6) 1 person nominated by the national organi-
23 zation representing energy assistance directors and
24 appointed by the Secretary; and

25 (7) 1 representative of the Environmental Pro-
26 tection Agency appointed by the Administrator.

1 (c) CHAIRPERSON.—The Secretary shall select a
 2 member of the Board to serve as Chairperson of the
 3 Board.

4 (d) MANAGER.—

5 (1) APPOINTMENT.—The Board shall by con-
 6 tract appoint an electric systems public benefits
 7 manager for a term of not more than 3 years, which
 8 term may be renewed by the Board.

9 (2) COMPENSATION.—The compensation and
 10 other terms and conditions of employment of the
 11 manager shall be determined by a contract between
 12 the Board and the individual or the other entity ap-
 13 pointed as manager.

14 (3) FUNCTIONS.—The manager shall—

15 (A) monitor the amounts in the Fund;

16 (B) receive, review, and make rec-
 17 ommendations to the Board regarding applica-
 18 tions from States under section 5(b); and

19 (C) perform such other functions as the
 20 Board may require to assist the Board in carry-
 21 ing out its duties under this Act.

22 **SEC. 5. NATIONAL ELECTRIC SYSTEM PUBLIC BENEFITS**
 23 **FUND.**

24 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—The Board shall establish an
 2 account or accounts at 1 or more financial institu-
 3 tions, which account or accounts shall be known as
 4 the “National Electric System Public Benefits
 5 Fund”, consisting of amounts deposited in the fund
 6 under subsection (c).

7 (2) STATUS OF FUND.—The wires charges col-
 8 lected under subsection (c) and deposited in the
 9 Fund—

10 (A) shall constitute electric system reve-
 11 nues and shall not constitute funds of the Unit-
 12 ed States;

13 (B) shall be held in trust by the manager
 14 of the Fund solely for the purposes stated in
 15 subsection (b); and

16 (C) shall not be available to meet any obli-
 17 gations of the United States.

18 (b) USE OF FUND.—

19 (1) FUNDING OF PUBLIC PURPOSE PRO-
 20 GRAMS.—Amounts in the Fund shall be used by the
 21 Board to provide matching funds to States for the
 22 support of State public purpose programs relating
 23 to—

24 (A) renewable energy sources;

25 (B) universal electric service;

1 (C) affordable electric service;

2 (D) energy conservation and efficiency; or

3 (E) research and development in areas de-
4 scribed in subparagraphs (A) through (D).

5 (2) DISTRIBUTION.—

6 (A) IN GENERAL.—Except for amounts
7 needed to pay costs of the Board in carrying
8 out its duties under this section, the Board
9 shall instruct the manager of the Fund to dis-
10 tribute all amounts in the Fund to States to
11 fund public purpose programs under paragraph
12 (1).

13 (B) FUND SHARE.—

14 (i) IN GENERAL.—Subject to clause
15 (iii), the Fund share of a public purpose
16 program funded under paragraph (1) shall
17 be 50 percent.

18 (ii) PROPORTIONATE REDUCTION.—

19 To the extent that the amount of matching
20 funds requested by States exceeds the
21 maximum projected revenues of the Fund,
22 the matching funds distributed to the
23 States shall be reduced by an amount that
24 is proportionate to each State's annual
25 consumption of electricity compared to the

1 Nation's aggregate annual consumption of
2 electricity.

3 (iii) ADDITIONAL STATE FUNDING.—

4 A State may apply funds to public purpose
5 programs in addition to the amount of
6 funds applied for the purpose of matching
7 the Fund share.

8 (3) PROGRAM CRITERIA.—The Board shall rec-
9 ommend eligibility criteria for public benefits pro-
10 grams funded under this section for approval by the
11 Secretary.

12 (4) APPLICATION.—Not later than August 1 of
13 each year beginning in 1999, a State seeking match-
14 ing funds for the following year shall file with the
15 Board, in such form as the Board may require, an
16 application—

17 (A) certifying that the funds will be used
18 for an eligible public purpose program; and

19 (B) stating the amount of State funds ear-
20 marked for the program.

21 (c) WIRES CHARGE.—

22 (1) DETERMINATION OF NEEDED FUNDING.—

23 Not later than August 1 of each year, the Board
24 shall determine and inform the Commission of the
25 aggregate amount of wires charges that it will be

1 necessary to have paid into the Fund to pay match-
 2 ing funds to States and pay the operating costs of
 3 the Board in the following year.

4 (2) IMPOSITION OF WIRES CHARGE.—

5 (A) IN GENERAL.—Not later than Decem-
 6 ber 15 of each year, the Commission shall im-
 7 pose a nonbypassable, competitively neutral
 8 wires charge to be paid directly into the Fund
 9 by the operator of the wire on electricity carried
 10 through the wire, this electricity to be measured
 11 as it exits the busbar at a generation facility,
 12 and which impacts on interstate commerce.

13 (B) AMOUNT.—The wires charge shall be
 14 set at a rate equal to the lesser of—

15 (i) 2 mills per kilowatt-hour; or

16 (ii) a rate that is estimated to result
 17 in the collection of an amount of wires
 18 charges that is as nearly as possible equal
 19 to the amount of needed funding deter-
 20 mined under paragraph (1).

21 (3) DEPOSIT IN THE FUND.—The wires charge
 22 shall be paid by the operator of the wire directly into
 23 the Fund at the end of each month during the cal-
 24 endar year for distribution by the electric systems
 25 public benefits manager under section 4.

1 (4) PENALTIES.—The Commission may assess
2 against a wire operator that fails to pay a wires
3 charge as required by this subsection a civil penalty
4 in an amount equal to not more than the amount of
5 the unpaid wires charge.

6 (d) AUDITING.—

7 (1) IN GENERAL.—The Fund shall be audited
8 annually by a firm of independent certified public
9 accountants in accordance with generally accepted
10 auditing standards.

11 (2) ACCESS TO RECORDS.—Representatives of
12 the Secretary and the Commission shall have access
13 to all books, accounts, reports, files, and other
14 records pertaining to the Fund as necessary to fa-
15 cilitate and verify the audit.

16 (3) REPORTS.—

17 (A) IN GENERAL.—A report on each audit
18 shall be submitted to the Secretary, the Com-
19 mission, and the Secretary of the Treasury, who
20 shall submit the report to the President and
21 Congress not later than 180 days after the
22 close of the fiscal year.

23 (B) REQUIREMENTS.—An audit report
24 shall—

1 (i) set forth the scope of the audit;

2 and

3 (ii) include—

4 (I) a statement of assets and li-
5 abilities, capital; and surplus or defi-
6 cit;

7 (II) a statement of surplus or
8 deficit analysis;

9 (III) a statement of income and
10 expenses;

11 (IV) any other information that
12 may be considered necessary to keep
13 the President and Congress informed
14 of the operations and financial condi-
15 tion of the Fund; and

16 (V) any recommendations with
17 respect to the Fund that the Sec-
18 retary or the Commission may have.

19 **SEC. 6. RENEWABLE ENERGY PORTFOLIO STANDARDS.**

20 (a) DEFINITION OF GENERATION FACILITY.—In this
21 section, the term “covered generation facility” means a
22 nonhydroelectric facility that generates electric energy for
23 sale.

24 (b) REQUIRED RENEWABLE ENERGY.—Of the total
25 amount of electricity sold by covered generation facilities

1 during a calendar year, the amount generated by renew-
2 able energy sources shall be not less than—

- 3 (1) 2.5 percent in 2000;
- 4 (2) 3.0 percent in 2001;
- 5 (3) 3.5 percent in 2002;
- 6 (4) 4.0 percent in 2003;
- 7 (5) 4.5 percent in 2004;
- 8 (6) 5.0 percent in 2005;
- 9 (7) 6.0 percent in 2006;
- 10 (8) 7.0 percent in 2007;
- 11 (9) 8.0 percent in 2008;
- 12 (10) 9.0 percent in 2009;
- 13 (11) 10.0 percent in 2010;
- 14 (12) 11.0 percent in 2011;
- 15 (13) 12.0 percent in 2012;
- 16 (14) 13.0 percent in 2013;
- 17 (15) 14.0 percent in 2014;
- 18 (16) 15.0 percent in 2015;
- 19 (17) 16.0 percent in 2016;
- 20 (18) 17.0 percent in 2017;
- 21 (19) 18.0 percent in 2018;
- 22 (20) 19.0 percent in 2019; and
- 23 (21) 20.0 percent in 2020 and each year there-
24 after.

25 (c) RENEWABLE ENERGY CREDITS.—

1 (1) IDENTIFICATION OF ENERGY SOURCES.—

2 The Commission shall establish standards and pro-
3 cedures under which a covered generation facility
4 shall certify to a purchaser of electricity—

5 (A) the amount of the electricity that is
6 generated by a renewable energy source; and

7 (B) the amount of the electricity that is
8 generated by a source other than a renewable
9 energy source.

10 (2) ISSUANCE OF RENEWABLE ENERGY CRED-
11 ITS.—Not later than April 1 of each year, beginning
12 in the year 2001, the Commission shall issue to a
13 covered generation facility 1 renewable energy credit
14 for each megawatt-hour of electricity sold by the
15 covered generation facility in the preceding calendar
16 year that was generated by a renewable source.

17 (3) SUBMISSION OF RENEWABLE ENERGY
18 CREDITS.—Not later than July 1 of each year, a
19 covered generation facility shall submit credits to the
20 Commission in an amount equal to the total number
21 of megawatt-hours of electricity sold by the covered
22 generation facility in the preceding year multiplied
23 by the applicable renewable energy source require-
24 ment under subsection (a).

25 (4) USE OF RENEWABLE ENERGY CREDITS.—

1 (A) TIME FOR USE.—A renewable energy
2 credit shall be used for the calendar year for
3 the renewable energy credit is issued.

4 (B) PERMITTED USES.—Until July 1 of
5 the year in which a renewable energy credit was
6 issued, a covered generation facility may—

7 (A) use the renewable energy credit to
8 make a submission to the Commission under
9 paragraph (3); or

10 (B) on notice to the Commission, sell or
11 otherwise transfer a renewable energy credit to
12 another covered generation facility.

13 (d) RECORDKEEPING.—The Commission shall main-
14 tain records of all renewable energy credits issued and all
15 credits sold or exchanged.

16 (e) PENALTIES.—The Commission may bring an ac-
17 tion in United States district court to impose a civil pen-
18 alty on any person that fails to comply with subsection
19 (a). A person that fails to comply with a requirement to
20 submit renewable energy credits under subsection (b)(3)
21 shall be subject to a civil penalty of not more than 3 times
22 the estimated national average market value (as deter-
23 mined by the Commission) for the calendar year concerned
24 of that quantity of renewable energy credits.

1 (f) PUBLIC UTILITY REGULATORY POLICIES ACT OF
2 1978.—

3 (1) REPEAL OF COGENERATION AND SMALL
4 POWER PRODUCTION PROVISION.—Effective January
5 1, 2000, the Public Utility Regulatory Policies Act
6 of 1978 is amended by striking section 210 (16
7 U.S.C. 824a-3).

8 (2) EXISTING CONTRACTS.—The amendment
9 made by paragraph (1) shall not affect the contin-
10 ued validity and enforceability of contracts entered
11 into under section 210 of the Public Utility Regu-
12 latory Policies Act of 1978 before the date of enact-
13 ment of this Act.

14 (3) CONTINUED JURISDICTION.—Notwithstand-
15 ing the amendment made by paragraph (1), the
16 Commission shall retain jurisdiction to—

17 (A) ensure the continued status of qualify-
18 ing small power production facilities under sec-
19 tion 210 of the Public Utility Regulatory Poli-
20 cies Act of 1978 (16 U.S.C. 824a-3); and

21 (B) continue exemptions granted under
22 subsection (e) of that section before the date of
23 enactment of this Act.

24 (g) POWERS.—The Commission may promulgate
25 such regulations, conduct such investigations, and take

1 such other actions as are necessary or appropriate to im-
 2 plement and obtain compliance with this section and regu-
 3 lations promulgated under this section.

4 **SEC. 7. EMISSIONS STANDARDS AND ALLOCATIONS.**

5 (a) DEFINITIONS.—In this section:

6 (1) COVERED GENERATION FACILITY.—The
 7 term “covered generation facility” means an electric
 8 generation facility (other than a nuclear facility)
 9 with a nameplate capacity of 15 megawatts or great-
 10 er that uses a combustion device to generate elec-
 11 tricity for sale.

12 (2) COGENERATION.—The term “cogeneration”
 13 means a process of simultaneously generating elec-
 14 tricity and thermal energy in which a portion of the
 15 energy value of fuel consumed is recovered as heat
 16 that is used to meet heating or cooling loads outside
 17 the generation facility.

18 (3) POLLUTANT.—The term “pollutant”
 19 means—

20 (A) nitrogen oxide;

21 (B) sulfur dioxide;

22 (C) carbon dioxide;

23 (D) mercury; or

24 (E) any other substance that the Adminis-
 25 trator may identify by regulation as a substance

1 the emission of which into the air from a com-
2 bustion device used in the generation of elec-
3 tricity endangers public health or welfare.

4 (b) NATIONWIDE EMISSIONS STANDARDS.—

5 (1) SCHEDULE.—Not later than July 1, 1999,
6 the Administrator shall promulgate a final regula-
7 tion that establishes a schedule of limits on the
8 amount of each pollutant that all covered generation
9 facilities in the aggregate nationwide shall be per-
10 mitted to emit in each calendar year beginning in
11 calendar year 2000.

12 (2) LIMIT.—The nationwide emissions standard
13 for calendar year 2005 and each year thereafter es-
14 tablished under paragraph (1) shall be not greater
15 than—

16 (A) for nitrogen oxide, 1,660,000 tons;

17 (B) for sulfur dioxide, 3,580,000 tons; and

18 (C) for carbon dioxide, 1,914,000,000

19 tons.

20 (3) ADJUSTMENT.—The Administrator may ad-
21 just the schedule established under paragraph (1),
22 within the limits established by paragraph (2), if the
23 Administrator determines that an adjustment would
24 be in the best interests of the public health and wel-
25 fare.

1 (c) GENERATION PERFORMANCE STANDARD.—

2 (1) ANNUAL DETERMINATION.—

3 (A) IN GENERAL.—Not later than October
 4 1 of each year, the Administrator, in consulta-
 5 tion with the Commission, shall determine the
 6 generation performance standard for nitrogen
 7 oxide, sulfur dioxide, and carbon dioxide emis-
 8 sions per megawatt-hour of electric production
 9 by covered generation facilities for the next cal-
 10 endar year.

11 (B) METHOD.—The Administrator shall
 12 determine by regulation the method to be used
 13 in determining an estimate under subparagraph
 14 (A).

15 (2) FORMULA.—The generation performance
 16 standard shall be determined by dividing the annual
 17 nationwide emissions standard as established under
 18 subsection (b) by the Administrator's estimate of the
 19 nationwide megawatt-hour production for the next
 20 calendar year by all covered generation facilities.

21 (d) INDIVIDUAL EMISSIONS ALLOCATION.—The
 22 amount of each pollutant that a covered generation facility
 23 shall be permitted to emit during a calendar year shall
 24 be equal to—

1 (1) the facility's annual generation of mega-
2 watt-hours of electricity multiplied by the generation
3 performance standard as established in subsection
4 (c); plus

5 (2) the facility's annual generation of thermal
6 energy used to meet heating and cooling loads re-
7 sulting from the cogeneration process, which shall be
8 expressed by the Administrator in units of measure-
9 ment that provide a reasonable comparison between
10 energy generated in the form of electricity and en-
11 ergy generated in the form of thermal energy and
12 then multiplied by the generation performance
13 standard as established under subsection (c).

14 (e) OZONE SEASON.—In determining the individual
15 emissions allocation for a covered generation facility under
16 subsection (d), the amount of nitrogen oxide emitted by
17 covered generation facility and the number of megawatt-
18 hours of electricity generated by the covered generation
19 facility during the period May 1 through September 30
20 of each year shall each be multiplied by 3.

21 (f) MONITORING.—

22 (1) ESTABLISHMENT OF SYSTEM.—The Admin-
23 istrator shall establish a system for the accurate
24 monitoring of the amount of each pollutant that a
25 covered generation facility emits during a year.

1 (2) REQUIREMENTS.—The monitoring system
2 under paragraph (1) shall require—

3 (A) installation on each combustion device
4 of a continuous monitoring system for each pol-
5 lutant; or

6 (B) use of an alternative mechanism that
7 the Administrator determines will provide data
8 with precision, reliability, accessibility, and
9 timeliness that are equal to or greater than
10 those that would be achieved by a continuous
11 emissions monitoring system.

12 (g) EMISSIONS CREDITS.—

13 (1) COMPARISON OF ACTUAL COMBUSTION DE-
14 VICE OUTPUTS WITH INDIVIDUAL EMISSION ALLOCA-
15 TIONS.—At the end of each year, the Administrator
16 shall compare the amount of a pollutant emitted by
17 a generation facility during the year with the indi-
18 vidual emissions allocation as established under sub-
19 section (d) applicable to the covered generation facil-
20 ity for the year.

21 (2) ISSUANCE OF EMISSIONS CREDITS.—Not
22 later than April 1 of each year, the Administrator
23 shall issue to a covered generation facility 1 emis-
24 sions credit for each ton by which the amount of a
25 pollutant emitted by the covered generation facility

1 during the preceding year was less than the individ-
2 ual emissions allocation as established under sub-
3 section (d) applicable to the covered generation facil-
4 ity.

5 (3) SUBMISSION OF EMISSIONS CREDITS.—

6 (A) IN GENERAL.—Not later than July 1
7 of each year, a covered generation facility that
8 emitted a greater amount of a pollutant than
9 the individual emissions allocation applicable to
10 the covered generation facility during the pre-
11 ceding year shall submit to the Administrator 1
12 emissions credit for each ton by which the
13 amount of the pollutant emitted was greater
14 than the individual emissions allocation as es-
15 tablished under subsection (d).

16 (B) PENALTY.—A covered generation facil-
17 ity that is required to submit an emissions cred-
18 it under subparagraph (A) that fails to submit
19 the emissions credit shall pay to the Adminis-
20 trator a civil penalty in an amount equal to—

21 (i) \$15,000 for each ton of nitrogen
22 oxide emissions in excess of the individual
23 emissions allocation applicable to the facil-
24 ity under subsection (d) for which a nitro-

1 gen oxide emissions credit has not been
2 submitted under subparagraph (A);

3 (ii) \$2,500 for each ton of sulfur diox-
4 ide emissions in excess of the individual
5 emissions allocation applicable to the facil-
6 ity under subsection (d) for which a sulfur
7 dioxide emissions credit has not been sub-
8 mitted under subparagraph (A); or

9 (iii) \$100 for each ton of carbon diox-
10 ide emissions in excess of the individual
11 emissions allocation applicable to the facil-
12 ity under subsection (d) for which a carbon
13 dioxide emissions credit has not been sub-
14 mitted under subparagraph (A).

15 (C) PENALTY ADJUSTMENT.—The Admin-
16 istrator shall annually adjust the penalty speci-
17 fied in subparagraph (B) for inflation based on
18 the Consumer Price Index.

19 (4) USE OF EMISSIONS CREDITS.—A covered
20 generation facility may—

21 (A) retain an emissions credit from year to
22 year for future submission to the Administrator
23 under paragraph (3); or

1 (B) on notice to the Administrator, sell or
 2 otherwise transfer an emissions credit to an-
 3 other person.

4 (h) POWERS.—The Administrator may promulgate
 5 such regulations, conduct such investigations, and take
 6 such other actions as are necessary to appropriate to im-
 7 plement and obtain compliance with this section and regu-
 8 lations promulgated under this section.

9 **SEC. 8. DISCLOSURE REQUIREMENTS.**

10 (a) DEFINITIONS.—In this section:

11 (1) EMISSIONS DATA.—The term “emissions
 12 data” means the type and amount of each pollutant
 13 (as defined in section 7(a)) emitted by a generation
 14 facility in generating electricity.

15 (2) GENERATION DATA.—The term “generation
 16 data” means the type of fuel (such as coal, oil, nu-
 17 clear energy, or solar power) used by a generation
 18 facility to generate electricity.

19 (b) DISCLOSURE SYSTEM.—The Secretary shall es-
 20 tablish a system of disclosure that—

21 (1) enables retail consumers to knowledgeably
 22 compare retail electric service offerings, including
 23 comparisons based on generation source portfolios,
 24 emissions data, and price terms; and

25 (2) considers such factors as—

- 1 (A) cost of implementation;
- 2 (B) confidentiality of information; and
- 3 (C) flexibility.

4 (c) REGULATION.—Not later than March 1, 1999,
5 the Secretary, in consultation with the Board, and with
6 the assistance of a Federal interagency task force that in-
7 cludes representatives of the Commission, the Federal
8 Trade Commission, the Food and Drug Administration,
9 and the Environmental Protection Agency, shall promul-
10 gate a regulation prescribing—

11 (1) the form, content, and frequency of disclo-
12 sure of emissions data and generation data of elec-
13 tricity by generation facilities to electricity whole-
14 salers or retail companies and by wholesalers to re-
15 tail companies;

16 (2) the form, content, and frequency of disclo-
17 sure of emissions data, generation data, and the
18 price of electricity by retail companies to ultimate
19 consumers; and

20 (3) the form, content, and frequency of disclo-
21 sure of emissions data, generation data, and the
22 price of electricity by generation facilities selling di-
23 rectly to ultimate consumers.

24 (d) ACCESS TO RECORDS.—The Secretary shall have
25 full access to the records of all generation facilities, elec-

1 tricity wholesalers, and retail companies to obtain any in-
2 formation necessary to administer and enforce this sec-
3 tion.

4 (e) FAILURE TO DISCLOSE.—The failure of a retail
5 company to accurately disclose information as required by
6 this section shall be treated as a deceptive act in commerce
7 under section 5 of the Federal Trade Commission Act (15
8 U.S.C. 45).

9 (f) REGULATIONS.—The Secretary may promulgate
10 such regulations, conduct such investigations, and take
11 such other actions as are necessary or appropriate to im-
12 plement and obtain compliance with this section and regu-
13 lations promulgated under this section.

○