

109TH CONGRESS
1ST SESSION

S. 1205

To require a study of the effects on disadvantaged individuals of actions by utilities intended to reduce carbon dioxide emissions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2005

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

A BILL

To require a study of the effects on disadvantaged individuals of actions by utilities intended to reduce carbon dioxide emissions, 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 “Ratepayers Protection
5 Act of 2005”.

6 **SEC. 2. STUDY.**

7 (a) DEFINITIONS.—In this section:

8 (1) DISADVANTAGED INDIVIDUAL.—The term
9 “disadvantaged individual” means—

1 (A) an individual with a disability, as de-
2 fined in section 3 of the Americans with Dis-
3 abilities Act of 1990 (42 U.S.C. 12102);

4 (B) a member of a family whose income
5 does not exceed the poverty line, as defined in
6 section 673 of the Community Services Block
7 Grant Act (42 U.S.C. 9902);

8 (C) an individual who belongs to a minor-
9 ity group;

10 (D) a senior citizen; and

11 (E) other disadvantaged individuals.

12 (2) UTILITY.—The term “utility” means any
13 organization that—

14 (A) provides retail customers with elec-
15 tricity services; and

16 (B) is regulated, either by price or terms
17 of service, by 1 or more State utility or public
18 service commissions.

19 (b) STUDY.—Not later than 30 days after the date
20 of enactment of this Act, the Congressional Budget Office,
21 in consultation with other appropriate organizations, shall
22 initiate a study to determine the effect on disadvantaged
23 individuals of actions taken or considered, or likely to be
24 taken or considered, by utilities to reduce the carbon diox-
25 ide emissions of the utilities.

1 (c) REPORT.—

2 (1) IN GENERAL.—Not later than 1 year after
3 the date of enactment of this Act, the Congressional
4 Budget Office shall submit to Congress a report that
5 specifically describes the results of the study, includ-
6 ing the economic costs to disadvantaged individuals
7 of actions by utilities intended to reduce carbon di-
8 oxide emissions.

9 (2) REVIEW PERIOD.—Congress shall have 180
10 days after the date of receipt by Congress of the re-
11 port described in paragraph (1) to review the report.

12 (3) EFFECTIVE DATE.—If the Congressional
13 Budget Office determines that there would be an ad-
14 ditional economic burden on any of the classes of
15 disadvantaged individuals if the costs of actions by
16 utilities intended to reduce carbon dioxide emissions
17 were recovered from ratepayers, the amendment
18 made by section 3 shall take effect on the day after
19 the end of the review period described in paragraph
20 (2).

21 **SEC. 3. UTILITY ACTIONS TO REDUCE CARBON DIOXIDE**
22 **EMISSIONS.**

23 The National Climate Program Act (15 U.S.C. 2901
24 et seq.) is amended by adding at the end the following:

1 **“SEC. 9. UTILITY ACTIONS TO REDUCE CARBON DIOXIDE**
 2 **EMISSIONS.**

3 “(a) DEFINITION OF UTILITY.—In this section, the
 4 term ‘utility’ means any organization that—

5 “(1) provides retail customers with electricity
 6 services; and

7 “(2) is regulated, either by price or terms of
 8 service, by 1 or more State utility or public service
 9 commissions.

10 “(b) RATEPAYER PROTECTIONS.—

11 “(1) IN GENERAL.—No utility may recover
 12 from ratepayers any costs, expenses, fees, or other
 13 outlays incurred for the stated purpose by the utility
 14 to reduce carbon dioxide emissions.

15 “(2) PROHIBITION ON CERTAIN COMMISSION
 16 ACTIONS.—No State utility commission, public serv-
 17 ice commission, or similar entity may compel rate-
 18 payers to pay the costs, expenses, fees, or other out-
 19 lays incurred for the stated purpose by a utility to
 20 reduce carbon dioxide emissions.

21 “(c) SHAREHOLDER OBLIGATIONS UNAFFECTED.—
 22 Nothing in this section prevents the shareholders of, or
 23 other parties associated with (other than ratepayers), a
 24 utility from paying for any action by the utility to reduce
 25 carbon dioxide emissions.”.