

116TH CONGRESS
2D SESSION

H. R. 5718

To establish a refund effective date for rates and charges under the Natural Gas Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2020

Mr. BUTTERFIELD (for himself and Mr. LONG) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To establish a refund effective date for rates and charges
under the Natural Gas Act, 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 “Protecting Natural
5 Gas Consumers from Overcharges Act of 2020”.

6 **SEC. 2. FIXING RATES AND CHARGES, REFUND EFFECTIVE**

7 **DATE.**

8 Section 5(a) of the Natural Gas Act (15 U.S.C.
9 717d(a)) is amended—

1 (1) by striking “Whenever” and inserting “(1)
2 Whenever”;

3 (2) by striking “had” and inserting “held”; and

4 (3) by adding at the end the following:

5 “(2) Any complaint or motion of the Commission to
6 initiate a proceeding under this subsection shall state the
7 change or changes to be made to the rate, charge, classi-
8 fication, rule, regulation, practice, or contract in force,
9 and the reasons for any proposed change or changes there-
10 in.

11 “(3) If, after review of any motion or complaint and
12 answer under this subsection, the Commission shall decide
13 to hold a hearing, it shall—

14 “(A) fix by order the time and place of such
15 hearing; and

16 “(B) specify the issues to be adjudicated.

17 “(4) Whenever the Commission institutes a pro-
18 ceeding under this subsection, the Commission shall estab-
19 lish a refund effective date as follows:

20 “(A) In the case of a proceeding instituted on
21 complaint, the refund effective date shall not be ear-
22 lier than the date of the filing of such complaint nor
23 later than 5 months after the filing of such com-
24 plaint.

1 “(B) In the case of a proceeding instituted by
2 the Commission on its own motion, the refund effec-
3 tive date shall not be earlier than the date of the
4 publication by the Commission of notice of its inten-
5 tion to initiate such proceeding nor later than 5
6 months after the publication date.

7 “(5) Upon institution of a proceeding under this sub-
8 section, the Commission shall give to the decision of such
9 proceeding the same preference as provided under section
10 4 and otherwise act as speedily as possible.

11 “(6) If no final decision is rendered by the conclusion
12 of the 180-day period commencing upon initiation of a
13 proceeding pursuant to this subsection, the Commission
14 shall—

15 “(A) state the reasons why it has failed to
16 render such decision; and

17 “(B) state its best estimate as to when it rea-
18 sonably expects to make such decision.

19 “(7) In any proceeding under this subsection, the
20 burden of proof to show that any rate, charge, classifica-
21 tion, rule, regulation, practice, or contract is unjust, un-
22 reasonable, unduly discriminatory, or preferential shall be
23 upon the Commission or the complainant.

24 “(8) At the conclusion of any proceeding under this
25 subsection, the Commission may order refunds—

1 “(A) of any amounts paid, for the period subse-
2 quent to the refund effective date through a date fif-
3 teen months after such refund effective date, in ex-
4 cess of those which would have been paid under the
5 just and reasonable rate, charge, classification, rule,
6 regulation, practice, or contract which the Commis-
7 sion orders to be thereafter observed and in force:
8 *Provided*, That if the proceeding is not concluded
9 within fifteen months after the refund effective date
10 and if the Commission determines at the conclusion
11 of the proceeding that the proceeding was not re-
12 solved within the fifteen-month period primarily be-
13 cause of dilatory behavior by the natural gas com-
14 pany, the Commission may order refunds of any or
15 all amounts paid for the period subsequent to the re-
16 fund effective date and prior to the conclusion of the
17 proceeding; and

18 “(B) be made, with interest, to those persons
19 who have paid those rates or charges which are the
20 subject of the proceeding.”.

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