

104TH CONGRESS
1ST SESSION

H. R. 2562

To repeal section 210 of the Public Utility Regulatory Policies Act of 1978.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 31, 1995

Mr. STEARNS (for himself, Mr. ENGLISH of Pennsylvania, Mr. MURTHA, Mr. TOWNS, Mr. QUINN, Mr. MCHUGH, Mr. PAXON, Mr. WALSH, Mr. HOUGHTON, Mr. HANCOCK, Mr. BOEHLERT, Mr. FRELINGHUYSEN, Mr. CLINGER, Mr. MCHALE, and Mr. TALENT) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To repeal section 210 of the Public Utility Regulatory Policies Act of 1978.

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”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) implementation of section 210 of the Public
9 Utility Regulatory Policies Act of 1978 resulted in

1 many consumers paying exorbitant rates for elec-
2 tricity;

3 (2) the Energy Policy Act of 1992 gives
4 nonregulated producers of electricity additional ac-
5 cess to the wholesale electric market through trans-
6 mission access and exemption from the Public Util-
7 ity Holding Company Act; and

8 (3) in light of the competitive wholesale electric
9 marketplace brought about by the Energy Policy Act
10 of 1992, section 210 of the Public Utility Regulatory
11 Policies Act of 1978 need no longer exist.

12 **SEC. 3. PROSPECTIVE REPEAL.**

13 (a) NEW FACILITIES.—Section 210 of the Public
14 Utility Regulatory Policies Act of 1978 shall not apply to
15 any facility placed in service after the enactment of this
16 Act, except those for which a power purchase contract en-
17 tered into pursuant to such section 210 was in effect on
18 September [], 1995.

19 (b) NEW CONTRACTS.—After September [], 1995,
20 no electric utility shall be required to enter into a new
21 contract or obligation to purchase or to sell electric energy
22 pursuant to section 210 of the Public Utility Regulatory
23 Policies Act of 1978.

1 **SEC. 4. EXISTING RIGHTS AND REMEDIES.**

2 (a) RIGHTS AND REMEDIES NOT AFFECTED.—Noth-
3 ing in this Act affects the rights or remedies of any party
4 with respect to the purchase or sale of electric energy or
5 capacity from or to a facility determined to be a qualifying
6 small power production facility or a qualifying cogenera-
7 tion facility pursuant to the Public Utility Regulatory
8 Policies Act of 1978 pursuant to any contract in effect
9 on September [insert date of introduction], 1995, includ-
10 ing the right to recover the costs of purchasing such elec-
11 tric energy or capacity.

12 (b) INTERPRETATIONS AND ACTIONS TAKEN.—Noth-
13 ing in this Act may be deemed or construed as implying
14 congressional ratification of any interpretation of, or any
15 action taken pursuant to, the Public Utility Regulatory
16 Policies Act of 1978.

17 **SEC. 5. RECOVERY OF COSTS.**

18 In order to assure recovery by electric utilities pur-
19 chasing electric energy or capacity from a qualifying facil-
20 ity pursuant to any legally enforceable obligation entered
21 into or imposed pursuant to section 210 of the Public Util-
22 ity Regulatory Policies Act of 1978 prior to September
23 [insert date of introduction], 1995, of all costs associated
24 with such purchases the Commission shall promulgate and
25 enforce such regulations as may be required to assure that
26 no utility shall be required directly or indirectly to absorb

1 the costs associated with purchases from a qualifying facil-
2 ity. Such regulations shall be treated as a rule enforceable
3 under the Federal Power Act (16 U.S.C. 791a–825r).

4 **SEC. 6. DEFINITIONS.**

5 For purposes of this Act, the terms “Commission”,
6 “electric utility”, “qualifying cogeneration facility”, and
7 “qualifying small power production facility” shall have the
8 same meanings as provided in the Public Utility Regu-
9 latory Policies Act of 1978 and the term “qualifying facil-
10 ity” shall mean a qualifying small power production facil-
11 ity or a qualifying cogeneration facility as defined in that
12 Act.

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