

106TH CONGRESS
2D SESSION

S. 3093

To require the Federal Energy Regulatory Commission to roll back the wholesale price of electric energy sold in the Western System Coordinating Council, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2000

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

A BILL

To require the Federal Energy Regulatory Commission to roll back the wholesale price of electric energy sold in the Western System Coordinating Council, 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 “Halt Electricity Price-
5 gouging in San Diego Act” or “HELP San Diego Act”.

1 **SEC. 2. ROLL BACK OF WHOLESALE PRICE FOR ELEC-**
2 **TRICITY IN WESTERN MARKET.**

3 (a) **CEILING.**—The Federal Energy Regulatory Com-
4 mission shall, by not later than November 30, 2000, issue
5 an order establishing the maximum price for electricity
6 sold at wholesale subject to the jurisdiction of the Commis-
7 sion under the Federal Power Act in the Western System
8 Coordinating Council after June 1, 2000.

9 (b) **MAXIMUM PRICE.**—For purposes of this Act, the
10 maximum price established by the Federal Energy Regu-
11 latory Commission shall be the lesser of—

12 (1) an average of the wholesale price for electric
13 energy sold in the Western System Coordinating
14 Council in the three-year period immediately before
15 June 1, 2000, or

16 (2) a price based on a cost-based formula for
17 wholesale rates established in accordance with Part
18 II of the Federal Power Act.

19 (c) **REFUND.**—Any person selling electric energy at
20 wholesale subject to the jurisdiction of the Commission
21 under the Federal Power Act in the Western System Co-
22 ordinating Council after June 1, 2000, who has received
23 in excess of the maximum price for such energy shall
24 promptly refund to the purchaser the full amount of such
25 excess. Such purchaser shall promptly transfer such re-
26 fund to the ultimate consumers of such electric energy,

1 except that if such purchaser resold the electric energy at
2 wholesale to any other wholesale purchaser, each such
3 wholesale purchaser shall refund such amount to the per-
4 son or persons who purchased such electric energy from
5 such wholesale purchaser.

6 (d) PENALTIES.—Any person who violates any re-
7 quirement of this Act shall be subject to civil penalties
8 equal to three times the value of the amount involved in
9 such violation. The Federal Energy Regulatory Commis-
10 sion shall assess such penalties, after notice and oppor-
11 tunity for public hearing, in accordance with the same pro-
12 visions as are applicable under section 31(d) of the Fed-
13 eral Power Act in the case of civil penalties assessed under
14 such section 31.

15 (e) SEPARABILITY.—If any provision of this Act is
16 found to be unenforceable or invalid, no other provision
17 of this Act shall be affected thereby.

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