

JUNE 18, 2015

**RULES COMMITTEE PRINT 114-20**  
**TEXT OF H.R. 2042, RATEPAYER PROTECTION**  
**ACT OF 2015**

[Showing the text of the bill as ordered reported by the  
Committee on Energy and Commerce.]

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Ratepayer Protection  
3 Act of 2015”.

4 **SEC. 2. EXTENDING COMPLIANCE DATES OF RULES AD-**  
5               **DRESSING CARBON DIOXIDE EMISSIONS**  
6               **FROM EXISTING POWER PLANTS PENDING**  
7               **JUDICIAL REVIEW.**

8       (a) **EXTENSION OF COMPLIANCE DATES.—**

9               (1) **EXTENSION.**—Each compliance date of any  
10       final rule described in subsection (b) is deemed to be  
11       extended by the time period equal to the time period  
12       described in subsection (c).

13              (2) **DEFINITION.**—In this subsection, the term  
14       “compliance date”—

15              (A) means, with respect to any require-  
16       ment of a final rule described in subsection (b),  
17       the date by which any State, local, or tribal

1 government or other person is first required to  
2 comply; and

3 (B) includes the date by which State plans  
4 are required to be submitted to the Environ-  
5 mental Protection Agency under any such final  
6 rule.

7 (b) FINAL RULES DESCRIBED.—A final rule de-  
8 scribed in this subsection is any final rule to address car-  
9 bon dioxide emissions from existing sources that are fossil  
10 fuel-fired electric utility generating units under section  
11 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), includ-  
12 ing any final rule that succeeds—

13 (1) the proposed rule entitled “Carbon Pollu-  
14 tion Emission Guidelines for Existing Stationary  
15 Sources: Electric Utility Generating Units” pub-  
16 lished at 79 Fed. Reg. 34830 (June 18, 2014); or

17 (2) the supplemental proposed rule entitled  
18 “Carbon Pollution Emission Guidelines for Existing  
19 Stationary Sources: EGUs in Indian Country and  
20 U.S. Territories; Multi-Jurisdictional Partnerships”  
21 published at 79 Fed. Reg. 65482 (November 4,  
22 2014).

23 (c) PERIOD DESCRIBED.—The time period described  
24 in this subsection is the period of days that—

1 (1) begins on the date that is 60 days after the  
2 day on which notice of promulgation of a final rule  
3 described in subsection (b) appears in the Federal  
4 Register; and

5 (2) ends on the date on which judgment be-  
6 comes final, and no longer subject to further appeal  
7 or review, in all actions (including actions that are  
8 filed pursuant to section 307 of the Clean Air Act  
9 (42 U.S.C. 7607))—

10 (A) that are filed during the 60 days de-  
11 scribed in paragraph (1); and

12 (B) that seek review of any aspect of such  
13 rule.

14 **SEC. 3. RATEPAYER PROTECTION.**

15 (a) EFFECTS OF PLANS.—No State shall be required  
16 to adopt or submit a State plan, and no State or entity  
17 within a State shall become subject to a Federal plan, pur-  
18 suant to any final rule described in section 2(b), if the  
19 Governor of such State makes a determination, and noti-  
20 fies the Administrator of the Environmental Protection  
21 Agency, that implementation of the State or Federal plan  
22 would—

23 (1) have a significant adverse effect on the  
24 State’s residential, commercial, or industrial rate-  
25 payers, taking into account—

1 (A) rate increases that would be necessary  
2 to implement, or are associated with, the State  
3 or Federal plan; and

4 (B) other rate increases that have been or  
5 are anticipated to be necessary to implement, or  
6 are associated with, other Federal or State en-  
7 vironmental requirements; or

8 (2) have a significant adverse effect on the reli-  
9 ability of the State's electricity system, taking into  
10 account the effects on the State's—

11 (A) existing and planned generation and  
12 retirements;

13 (B) existing and planned transmission and  
14 distribution infrastructure; and

15 (C) projected electricity demands.

16 (b) CONSULTATION.—In making a determination  
17 under subsection (a), the Governor of a State shall consult  
18 with—

19 (1) the public utility commission or public serv-  
20 ice commission of the State;

21 (2) the environmental protection, public health,  
22 and economic development departments or agencies  
23 of the State; and

1           (3) the Electric Reliability Organization (as de-  
2           fined in section 215 of the Federal Power Act (16  
3           U.S.C. 824o)).

