

111TH CONGRESS
1ST SESSION

H. R. 1921

To establish an Office of Public Advocate within the Department of Justice to provide services and guidance to citizens in dealing with concerns involving the Federal Energy Regulatory Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2009

Mr. GERLACH introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish an Office of Public Advocate within the Department of Justice to provide services and guidance to citizens in dealing with concerns involving the Federal Energy Regulatory Commission, 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 “Energy Regulatory
5 Public Protection Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that:

3 (1) The Federal Energy Regulatory Commis-
4 sion is not adequately informing property owners
5 and local officials on the certificate application ap-
6 proval process.

7 (2) The current certificate application approval
8 process at the Commission does not include ade-
9 quate State and local participation.

10 (3) The current certificate application approval
11 process at the Commission does not provide ade-
12 quate protections for local environmental resources.

13 (4) An office of public advocate is necessary to
14 properly represent the interests of property owners
15 and other affected parties during the certificate ap-
16 plication approval process, and to properly inform
17 property owners and other parties of their rights
18 during the process, and to provide proper guidance
19 to State and local officials during the process.

20 **SEC. 3. ESTABLISHMENT AND DUTIES.**

21 (a) ESTABLISHMENT AND DUTIES.—There is hereby
22 established within the Department of Justice an office to
23 be known as the “Office of Public Advocate”. The office
24 shall represent the interests of members of the general
25 public affected by regulatory matters before the Federal
26 Energy Regulatory Commission, other Commission-related

1 matters before (1) other Federal regulatory agencies, or
2 (2) any court of competent jurisdiction.

3 (b) SPECIFIC DUTIES.—The specific duties of the of-
4 fice are as follows:

5 (1) To receive and assess comments from all in-
6 terested parties with respect to project applications
7 before the Federal Energy Regulatory Commission.
8 For purposes of this Act, the term “interested par-
9 ties” includes but shall not be limited to, individuals,
10 municipalities, counties, States, or any other for-
11 profit or non-profit entity affected by any proposed
12 project for which an application has been filed with
13 the Commission.

14 (2) To submit all such relevant and pertinent
15 comments to the Federal Energy Regulatory Com-
16 mission, together with its findings and recommenda-
17 tions, regarding the outcome, terms, and conditions
18 of an application for approval.

19 (3) To review and assess applicant compliance
20 with orders of the Federal Energy Regulatory Com-
21 mission and seek full compliance of such orders
22 through the Federal Energy Regulatory Commission,
23 or a court competent jurisdiction, where the appli-
24 cant fails to comply and such noncompliance is

1 harmful to the health, safety, and welfare of affected
2 parties.

3 (4) Within its sole discretion, undertake appeal
4 of any Federal Energy Regulatory Commission order
5 it deems appropriate where the order is harmful to
6 the health, safety, or welfare of affected parties.

7 (5) Submit an annual report to the Attorney
8 General, the Federal Energy Regulatory Commis-
9 sion, and Congress regarding its actions and activi-
10 ties in the prior year, together with any rec-
11 ommendations for regulatory or statutory changes to
12 more effectively achieve the goals, purposes, and
13 functions of the office and the Federal Energy Reg-
14 ulatory Commission.

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