

116TH CONGRESS
1ST SESSION

S. 2771

To amend the Natural Gas Act to protect consumers from excessive rates,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2019

Mr. BLUMENTHAL (for himself and Mr. BURR) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To amend the Natural Gas Act to protect consumers from
excessive rates, 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 “Making Pipelines Ac-
5 countable to Consumers and Taxpayers Act” or the
6 “MPACT Act”.

7 **SEC. 2. HEARING ON CHANGED RATES OR CHARGES.**

8 Section 4(e) of the Natural Gas Act (15 U.S.C.
9 717c(e)) is amended by striking the third and fourth sen-
10 tences and inserting the following: “Where changes in

1 rates or charges are thus made effective, the Commission
2 may, by order, require the natural-gas company to furnish
3 a bond, to be approved by the Commission, to refund any
4 amounts ordered by the Commission, to keep accurate ac-
5 counts in detail of all amounts received by reason of those
6 changes, specifying by whom and in whose behalf those
7 amounts were paid, and, on completion of the hearing and
8 decision, to order the natural-gas company to refund, with
9 interest, the portion of those rates or charges by its deci-
10 sion found not justified. At any hearing involving a rate
11 or charge sought to be changed, the burden of proof to
12 show that the changed rate or charge is just and reason-
13 able shall be on the natural-gas company, and the Com-
14 mission shall give to the hearing and decision of such ques-
15 tions preference over other questions pending before the
16 Commission and decide the same as speedily as possible.”.

17 **SEC. 3. REFUNDS.**

18 Section 5 of the Natural Gas Act (15 U.S.C. 717d)
19 is amended—

20 (1) by redesignating subsection (b) as sub-
21 section (d); and

22 (2) inserting after subsection (a) the following:

23 “(b) REFUNDS.—

24 “(1) IN GENERAL.—At the conclusion of any
25 hearing under this section in which refunds of

1 amounts that have been paid are required, the Com-
2 mission shall order the natural-gas company to make
3 those refunds for the period beginning on the refund
4 effective date established under paragraph (3) and
5 ending on the date on which the new rate estab-
6 lished by the Commission under subsection (a) takes
7 effect in amounts in excess of those amounts that
8 would have been paid under the just and reasonable
9 rate, charge, classification, rule, regulation, practice,
10 or contract that the Commission orders to be ob-
11 served and in force.

12 “(2) REQUIREMENT.—The refunds required
13 under paragraph (1) shall be made, with interest, to
14 the persons who have paid the rates or charges that
15 are the subject of the hearing.

16 “(3) EFFECTIVE DATE.—

17 “(A) IN GENERAL.—The Commission shall
18 establish the refund effective date in accordance
19 with this paragraph.

20 “(B) HEARINGS INITIATED ON COM-
21 PLAINT.—In the case of a hearing initiated on
22 a complaint, the refund effective date shall be—

23 “(i) not earlier than the date on which
24 the complaint was filed; and

1 “(ii) not later than 150 days after
2 that date.

3 “(C) HEARING INITIATED ON MOTION OF
4 COMMISSION.—In the case of a hearing initiated
5 by the Commission on its own motion, the re-
6 fund effective date shall be—

7 “(i) not earlier than the date on which
8 the Commission publishes notice of the in-
9 tent to initiate the hearing; and

10 “(ii) not later than 150 days after
11 that date.

12 “(c) NO FINAL DECISION.—If the Commission has
13 not rendered a final decision for a hearing under this sec-
14 tion by the end of the 180-day period beginning on the
15 date on which the hearing is initiated, the Commission
16 shall state—

17 “(1) the reasons why the Commission has failed
18 to render a decision; and

19 “(2) the best estimate of the Commission as to
20 when the Commission reasonably expects to render
21 the decision.”.

22 **SEC. 4. EFFECT.**

23 (a) IN GENERAL.—The amendments made by sec-
24 tions 2 and 3 shall not apply to any proceeding under the

1 Natural Gas Act (15 U.S.C. 717 et seq.) commenced be-
2 fore the date of enactment of this Act.

3 (b) REFILING WITHOUT PREJUDICE.—A proceeding
4 under the Natural Gas Act (15 U.S.C. 717 et seq.) com-
5 menced before the date of enactment of this Act may be
6 withdrawn and refiled without prejudice.

7 **SEC. 5. STUDY.**

8 (a) IN GENERAL.—Not earlier than 3 years and not
9 later than 4 years after the date of enactment of this Act,
10 the Federal Energy Regulatory Commission shall conduct
11 a study on the effect of the amendments made by sections
12 2 and 3.

13 (b) REQUIREMENTS.—The study under subsection
14 (a) shall include an analysis of—

15 (1) the impact, if any, of the amendments made
16 by sections 2 and 3 on the cost of capital paid by
17 natural-gas companies (as defined in section 2 of the
18 Natural Gas Act (15 U.S.C. 717a));

19 (2) any change in the average time taken to re-
20 solve proceedings under sections 4 and 5 of the Nat-
21 ural Gas Act (15 U.S.C. 717c, 717d); and

22 (3) such other matters as the Federal Energy
23 Regulatory Commission may determine to be appro-
24 priate and in the public interest.

1 (c) REPORT.—On completion of the study under sub-
2 section (a), the Federal Energy Regulatory Commission
3 shall submit to the Committee on Energy and Natural Re-
4 sources of the Senate and the Committee on Energy and
5 Commerce of the House of Representatives a report de-
6 scribing the results of the study.

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