

116TH CONGRESS 2D SESSION

H. R. 6963

To amend the Federal Power Act with respect to the rehearing process, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

May 22, 2020

Mr. Casten of Illinois (for himself, Mr. Malinowski, and Mr. Kennedy) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Power Act with respect to the rehearing process, 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 "Right to Timely Re-
- 5 hearings at FERC Act of 2020".
- 6 SEC. 2. FEDERAL POWER ACT REHEARINGS.
- 7 Section 313(a) of the Federal Power Act (16 U.S.C.
- 8 825l(a)) is amended to read as follows:
- 9 "(a) Rehearings.—

"(1) IN GENERAL.—Any person, electric utility, 1 2 State, municipality, or State commission aggrieved 3 by an order issued by the Commission in a pro-4 ceeding under this Act to which such person, electric 5 utility, State, municipality, or State commission is a 6 party may apply for a rehearing within 30 days after 7 the issuance of such order. The application for re-8 hearing shall set forth specifically the ground or 9 grounds upon which such application is based. Upon 10 such application the Commission shall have power to 11 grant or deny rehearing or to abrogate or modify its 12 order without further hearing. No proceeding to re-13 view any orders of the Commission shall be brought 14 by any entity unless such entity shall have made ap-15 plication to the Commission for a rehearing thereon. 16 Until the record in a proceeding shall have been filed 17 in a court of appeals, as provided in subsection (b), 18 the Commission may at any time, upon reasonable 19 notice and in such manner as it shall deem proper, 20 modify or set aside, in whole or in part, any finding 21 or order made or issued by it under the provisions 22 of this act. 23

"(2) Deadline.—

"(A) IN GENERAL.—Except as provided in 24 25 subparagraph (B), the Commission shall act on

the merits of an application filed under paragraph (1) by the date that is 120 days after the date on which the applicable order is issued.

"(B) Exceptions.—

"(i) FINDING.—If, by the date that is 120 days after the date on which the applicable order is issued, the Commission issues a finding that additional time for consideration of an application filed under paragraph (1) is necessary, the Commission shall act on the merits of the application by the date that is 210 days after the date on which the applicable order is issued. The Commission may not delegate the authority to issue a finding under this clause.

"(ii) Lack of Quorum.—If the Commission fails to act on the merits of an application filed under paragraph (1) by the applicable deadline under clause (i) or subparagraph (A) because the Commission lacks a quorum on such date, the Commission shall act on the merits of the application by the date that is 30 days after the

1	date on which the Commission establishes
2	a quorum.
3	"(C) Failure to act.—If the Commis-
4	sion fails to act on the merits of an application
5	filed under paragraph (1) by the applicable
6	deadline under subparagraph (A) or (B), the
7	application shall be deemed to be denied.".

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