

§ 3206. Gas utility rate design proposals**(a) Study**

(1) The Secretary, in consultation with the Commission and, after affording an opportunity for consultation and comment by representatives of the State regulatory commissions, gas utilities, and gas consumers, shall study and report to Congress on gas utility rate design within 18 months after November 9, 1978. Such study shall address the effect (both separately and in combination) of the following factors upon the items listed in paragraph (2): incremental pricing; marginal cost pricing; end user gas consumption taxes; wellhead natural gas pricing policies; demand-commodity rate design; declining block rates; interruptible service; seasonal rate differentials; and end user rate schedules.

(2) The items referred to in paragraph (1) are as follows:

- (A) natural gas pipeline and local distribution company load factors;
- (B) rates to each class of user, including residential, commercial, and industrial users;
- (C) the change in total costs resulting from gas utility designs (including capital and operating costs) to gas consumers or classes thereof;
- (D) demand for, and consumption of, natural gas;
- (E) end use profiles of natural gas pipelines and local distribution companies; and
- (F) competition with alternative fuels.

(b) Proposals

Based upon the study prepared pursuant to subsection (a) of this section, the Secretary shall develop proposals to improve gas utility rate design and to encourage conservation of natural gas. Such proposals shall include any comments and recommendations of the Commission.

(c) Transmission to Congress

The proposals prepared under subsection (b) of this section, shall be transmitted, together with any legislative recommendations, to each House of Congress not later than 6 months after the date of submission of the study under subsection (a) of this section. Such proposals shall be accompanied by an analyses¹ of—

- (1) the projected savings (if any) in consumption of natural gas, and other energy resources,
- (2) changes (if any) in the cost of natural gas to consumers, which are likely to result from the implementation nationally of each of such proposals, and
- (3) the effects of the proposals on other provisions of this Act on gas utility rate structures.

(d) Public participation

The Secretary shall provide for public participation in the conduct of the study under subsection (a) of this section, and the preparation of proposals under subsection (b) of this section.

(Pub. L. 95-617, title III, §306, Nov. 9, 1978, 92 Stat. 3152.)

¹ So in original. Probably should be "analysis".

REFERENCES IN TEXT

This Act, referred to in subsec. (c)(3), is Pub. L. 95-617, Nov. 9, 1978, 92 Stat. 3117, known as the Public Utility Regulatory Policies Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 16, Conservation, and Tables.

DEFINITIONS

The definitions of Secretary and Commission in section 2602 of Title 16, Conservation, apply to this section.

§ 3207. Judicial review and enforcement**(a) Limitation of Federal jurisdiction**

(1) Notwithstanding any other provision of law, no court of the United States shall have jurisdiction over any action arising under any provision of this chapter except for—

- (A) an action over which a court of the United States has jurisdiction under paragraph (2), or
- (B) review in the Supreme Court of the United States in accordance with sections 1257 and 1258 of title 28.

(2) The Secretary may bring an action in any appropriate court of the United States to enforce his right to intervene under section 3205 of this title, and such court shall have jurisdiction to grant appropriate relief.

(b) Enforcement

(1) Any person may bring an action to enforce the requirements of this chapter in the appropriate State court. Such action in a State court shall be pursuant to applicable State procedures.

(2) Nothing in this chapter shall authorize the Secretary to appeal or otherwise seek judicial review of the decisions of a State regulatory authority or nonregulated gas utility or to become a party to any action to obtain such review or appeal. The Secretary may participate as an amicus curiae in any judicial review of an action arising under the provisions of this chapter.

(Pub. L. 95-617, title III, §307, Nov. 9, 1978, 92 Stat. 3153.)

DEFINITIONS

The definitions of Secretary and State in section 2602 of Title 16, Conservation, apply to this section.

§ 3208. Relationship to other applicable law

Nothing in this chapter prohibits any State regulatory authority or nonregulated gas utility from adopting, pursuant to State law, any standard or rule affecting gas utilities which is different from any standard established by this chapter.

(Pub. L. 95-617, title III, §308, Nov. 9, 1978, 92 Stat. 3153.)

DEFINITIONS

The definition of State in section 2602 of Title 16, Conservation, applies to this section.

§ 3209. Reports respecting standards**(a) State authorities and nonregulated utilities**

Not later than 1 year after November 9, 1978, and annually thereafter for 10 years, each State