

1 UNITED STATES OF AMERICA
2 FEDERAL ENERGY REGULATORY COMMISSION

3
4 CONSENT ELECTRIC, CONSENT MISCELLANEOUS,
5 CONSENT HYDRO, CONSENT CERTIFICATES,
6 DISCUSSION ITEMS, STRUCK ITEMS

7

8

9 1051ST COMMISSION MEETING

10

11 Thursday, January 17, 2019

12 Commission Meeting Room

13 Federal Energy Regulatory Commission

14 888 First Street, NE

15

16 Washington, D.C. 20426

17

18 The Commission met in open session at 10:03 a.m.,

19 when were present:

20 CHAIRMAN NEIL CHATTERJEE

21 COMMISSIONER CHERYL LaFLEUR

22 COMMISSIONER RICHARD GLICK

23 COMMISSIONER BERNARD McNAMEE

24

25 SECRETARY KIMBERLY D. BOSE

1 Agenda Items:

2 Consent-Electric

3 E-1, E-2, E-3, E-4, E-5, E-6, E-7 E-8, E-9, and

4 E-10

5 Consent-Micellaneous

6 M-1

7 Consent-Hydro

8 H-1, and H-2 and H-3

9 Consent-Certificates

10 C-2

11 Discussion Items

12 A-3

13 Struck Items

14 E-11

15

16 Commissioner Recusals for January 17, 2019

17 Commissioner McNamee is not participating in the

18 following consent items:

19 E-10 and C-2

20

21 Struck Items

22 E-11

23

24

25

1 P R O C E E D I N G S

2 (10:03 a.m.)

3 SECRETARY BOSE: Good morning. The purpose of
4 the Federal Energy Regulatory Commission's open meeting is
5 for the Commission to consider the matters that have been
6 duly posted in accordance with the Government in the
7 Sunshine Act.

8 Members of the public are invited to observe,
9 which includes attending, listening, and taking notes, but
10 does not include participating in the meeting or addressing
11 the Commission. Actions that purposely interfere or
12 attempt to interfere with the commencement or conducting of
13 the meeting, or inhibit the audience's ability to observe or
14 listen to the meeting, including attempts by audience
15 members to address the Commission while the meeting is in
16 progress, are not permitted.

17 Any persons engaging in such behavior will be
18 asked to leave the building. Anyone who refuses to leave
19 voluntarily will be escorted from the building.

20 Additionally, documents presented to the
21 Chairman, Commissioners, or staff during the meeting will
22 not become part of the official record of any Commission
23 proceeding, nor will they require further action by the
24 Commission. If you wish to comment on an ongoing
25 proceeding before the Commission, please visit our website

1 for more information.

2 Thank you for your cooperation.

3 CHAIRMAN CHATTERJEE: Madam Secretary, we are
4 ready to begin.

5 SECRETARY BOSE: Good morning, Mr. Chairman.
6 Good morning, Commissioners. This is the time and place
7 that has been noticed for the open meeting of the Federal
8 Energy Regulatory Commission to consider the matters that
9 have been posted by the Commission.

10 Please join us in the Pledge of Allegiance.

11 (Pledge of Allegiance recited.)

12 SECRETARY BOSE: Commissioners, since the
13 December open meeting, the Commission has issued 41
14 Notational Orders. Thank you, Mr. Chairman.

15 CHAIRMAN CHATTERJEE: Thank you, Madam Secretary,
16 and good morning to everyone.

17 Before we move into any further discussions, I
18 want to start this morning by saying a few words about my
19 good friend, our dear colleague, Chairman Kevin McIntyre,
20 who passed away earlier this month.

21 Throughout his career, Kevin distinguished
22 himself through his mastery of the intricacies of energy
23 policy, his astute knowledge and respect for the rule of
24 law, and his unwavering passion for public service. These
25 are the characteristics that Kevin brought to the Commission

1 from day one on the job.

2 Although his time at the helm was unfortunately
3 cut far too short, he made a lasting impact through the
4 initiatives he set into motion. From working to
5 expeditiously pass through benefits of the Tax Cuts and Jobs
6 Act, to accounting the review of our Certificate Policy
7 Statement, to moving forward with a unanimous decision to
8 continue our examination of grid resilience, Kevin dove
9 right in and set out to resolve many of the major issues
10 facing FERC without delay.

11 While he is no longer here to shepherd those
12 efforts, I am proud to continue working alongside my
13 colleagues and FERC staff to continue the good work Kevin
14 began. His leadership, impartiality and respect for this
15 institution made such a profound impact on me--I know many
16 others feel this way as well--and his influence will not
17 soon be forgotten.

18 Kevin's influence on me began well before he even
19 took his seat at the Commission. If you recall, in the Fall
20 of 2017 I was temporarily serving as Chair while Kevin and
21 Commissioner Glick worked their way through the Senate
22 Confirmation process, and there were so many complex
23 decisions before us that I felt overwhelmed and I reached
24 out to Kevin and invited him to dinner to seek his guidance
25 on the matters before us.

1 And before I could even ask my first question, he
2 cut me off. He said, Neil, I'm just a Jones Day partner.
3 You are the Chairman of FERC. These are your decisions to
4 make, and it is incumbent upon you to lead. He said: Should
5 I be fortunate enough to get through this process and take a
6 seat at the Commission, whatever decision you and your
7 colleagues make I will work to push them forward.

8 He just asked me two things. He said: Just do
9 what you think is right. Put country over party and the
10 public good over politics, and you'll be just fine.

11 Kevin of course did take his seat at the
12 Commission in December, and I believe it was a year ago
13 today that we made our unanimous decision that was
14 nationally and globally followed on how to handle grid
15 resilience. So it was a year ago tonight Kevin took me out
16 to dinner to thank me for my leadership and the way that I
17 handled the DOE NOPR. And I said, Kevin, that's ridiculous.
18 I'm self-aware enough to know that I made a number of
19 mistakes. I threw up all over myself throughout this, and
20 botched this at myriad points. And he said, stop. No you
21 did not. He said, you were confronted with a difficult
22 situation. The Secretary of Energy asked us a very complex
23 and important question. You tried to do the right thing.
24 The record didn't support the action, but your work in
25 leading up to this enabled us to put a process into place

1 now where we can build a record to seriously consider this
2 important issue.

3 And he didn't need to do that. And what I took
4 away from that experience was: In a multi-member Commission
5 where collegiality is essential, that is the mark of a
6 strong leader, someone who recognized that his colleague was
7 feeling down and went and bucked me up and said, hold your
8 head up high and let's continue to move forward together.

9 His final act of leadership that was the most
10 poignant to me actually came on October 24th of this past
11 year when he stepped down as Chairman of the Commission and
12 I was designated Chair in his place. And the most
13 important call I got that difficult evening was not from a
14 United States Senator, it was not from a CEO or a group
15 head, it was from Jenny McIntyre. And she called me and
16 she said, I know you hate this. She said, I know you
17 didn't want this and you are wracked with guilt. She said,
18 stop it. She said, the only thing of happiness that Kevin
19 is taking from this difficult situation is the knowledge
20 that his friend is going to have this opportunity.

21 And then she took it further and said, don't go
22 moping around. Don't hang your head. Don't feel sorry for
23 yourself and for us. She said, you need to man up and lead.
24 She said, Kevin wants you to be a strong leader. Kevin
25 needs you to be a strong leader for him and for the agency

1 that he cares so deeply about. And, she said, we've got
2 your back 100 percent, and we know that you can do this.

3 While I could spend the duration of this meeting
4 talking about Kevin's myriad professional accomplishments,
5 I'd like to shift my focus to the other attributes that made
6 Kevin the man that so many of us came to admire and enjoy
7 spending time with.

8 When Kevin first came onboard, I was thrilled to
9 have another sports fanatic joining the Commission. As
10 passionate as Kevin was about his work, he was just as keen
11 on keeping up with his beloved Georgetown Hoyas and the
12 Washington Nationals.

13 Some of my favorite experiences were attending
14 games with him. It didn't hurt that he had floor seats for
15 the Hoyas--

16 (Laughter.)

17 CHAIRMAN CHATTERJEE: --and was a passionate fan,
18 and forever mocked me when last winter we went and watched
19 Villanova destroy Georgetown and I commented that seeing
20 Villanova up this close they weren't that scary and I
21 thought Kentucky could take 'em. He made sure to, after
22 Villanova won the National Championship, point out that he
23 severely questioned my college basketball acumen.

24 (Laughter.)

25 CHAIRMAN CHATTERJEE: But probably the fondest

1 memories I have were of going to Nationals games. And my
2 most favorite was a game that I had the good fortune of
3 bringing my middle son, Anderson, to. And Anderson and
4 Kevin really struck up a rapport at that game and continued
5 it throughout the time that they knew each other. And
6 Anderson asked me to mention this, because one of his most
7 vivid memories was that at the FERC Christmas last winter,
8 Kevin had only been at the Commission about two-and-a-half
9 weeks, and my kids came by to see him, and two of my three
10 kids are very shy, but Anderson is gregarious and very good
11 at speaking with adults. So Kevin, as he so often would do
12 with children, asked my son, he said, "What did you ask
13 Santa for for Christmas?" And my other two kids demurred.
14 They were too shy to answer. But Anderson said, "You know,
15 I asked for a check for a homeless shelter so we could help
16 the people outside of this building."

17 So, mind you, Kevin has been here two-and-a-half
18 weeks, he's got Cabinet-level officials, CEOs, industry
19 heads, and the FERC staff that are all clamoring to meet him
20 and introduce themselves to the new Chairman, and yet he
21 spent half an hour at that event holding everyone else at
22 bay speaking to a 9-year-old kid about the importance of
23 service, of community, of giving back, about how he was old
24 enough and mature enough now that he had a responsibility
25 to give back. And he also talked to him about being the

1 second child, and how it was incumbent upon him to not just
2 support his older brother, but to be there for his younger
3 sister. Because as Kevin, a member of a big family, as a
4 second child, you know, his bond and relationship with his
5 siblings was so strong. And I came to learn in the past few
6 weeks that Kevin was the Godparent to a number of children--
7 I want to say four or five--and that just speaks to his
8 character and the trust that his siblings and cousins and
9 cousins of cousins put on him.

10 And as I mentioned, while his two great passions
11 were the law and sports, the one love that stood out far
12 above the rest was clearly the love he had for his family.
13 Kevin always said his dream job was serving as FERC Chairman
14 , but that could never compare to the pride he took in his
15 role as husband to Jenny and father to their three wonderful
16 children: Lizzie, Tommy, and Annie.

17 And I just want to take a moment and thank you
18 all for bearing with me, but Kevin's family was so important
19 to him, and I am now reflecting back on moments that we
20 shared together, and conversations that we had, and I'm
21 seeing different meaning today, now that Kevin has passed,
22 than I perhaps appreciated at the time. And the most
23 significant to me was--just a little bit of background--
24 Kevin and I first bonded over the subject of not actually
25 sports but Downs Syndrome and Downs Syndrome awareness.

1 My college roommate, the best man in my wedding,
2 he and his wonderful wife, they have a son, Will Brown, and
3 from the moment he was born I have made Downs Syndrome
4 awareness and Downs Syndrome research a personal priority of
5 mine. And actually my most significant legislative
6 accomplishment during my time in the U.S. Senate had nothing
7 to do with energy policy, but I played a very bit role in
8 the passage and signing into law of a bill called "The Able
9 Act" which enabled families with children with Downs
10 Syndrome and Autism to save money for their children's
11 futures.

12 And so Kevin and I bonded over this. And one day
13 we were traveling to a meeting together, and our flight was
14 delayed. And so we got dinner at a restaurant in Reagan
15 Airport. And there was a young woman sitting in the
16 restaurant, probably 35, 40 years old, and she was smart,
17 and beautiful, and she was gregarious, and speaking with the
18 staff, and she was by herself. She was independent. And
19 she was able to clearly travel by herself. And Kevin was
20 fixated on her, and he was staring at her. And he turned
21 to me and he said, you know, seeing this warms my heart
22 about my Annie, because I know she's going to be okay; that
23 she'll be able to be independent.

24 And at the time, I thought this was a father
25 worried about his daughter's future and taking heart in

1 knowing that she would be okay. And now as I look back at
2 it, I think part of his was recognizing that he was coming
3 to peace with the fact that she would be okay even though he
4 wouldn't be here physically for her.

5 There are other things that I thought
6 demonstrated Kevin's tremendous love for his family. I
7 always gave Kevin a hard time. The guy was a Jones Day
8 partner for 24 years, married, three beautiful kids, five of
9 them, they lived in a house in Arlington with one bathroom.
10 And I always gave him a hard time. Like, hey, you were a
11 Jones Day partner. This was his bachelor pad, and she he
12 and Jenny got married they moved into it together and
13 settled in and raised their family there and never moved
14 out. But Kevin was determined to make sure that his family
15 would be taken care of. And so he really spent a big
16 portion of the last year of his life arranging for the
17 family to move, remodel a house. They wanted to stay in
18 their neighborhood, stay in their community, so their kids'
19 lives wouldn't be disrupted, and he put so much care and
20 detail into figuring out every little element of this house.
21 And the kids decided all they wanted for Christmas was to be
22 home in their new house with Daddy. And they did manage to
23 successfully move into the new house and bring Kevin home,
24 and they spent not just Christmas but his birthday, December
25 27th, at home in their new home with Kevin, which I am

1 certain are memories that they will cherish forever.

2 But it wasn't just Kevin's wife Jenny and their
3 kids that were so important and meaningful in Kevin's life.
4 I mentioned the relationships he's had with nephews, nieces,
5 cousins, cousins of cousins, his wonderful brothers, but I
6 want to take a particular moment to speak about someone who
7 I admire tremendously, and that's Kevin's sister Teresa.

8 I have to say, she is the closest thing I have
9 encountered to an angel on this earth. She cared for Kevin
10 daily, deeply involved. She did this while also caring for
11 their aged parents. And that is one of the underlying
12 tragedies of this whole thing, is that Kevin predeceased his
13 parents. She took care of the parents, took care of Kevin,
14 as well as her own family and her own young daughter.

15 And what I saw between them and their
16 interactions was so powerful, and it caused me to turn to my
17 kids and again stress how important the relationship you
18 have with your siblings is. And it does give me some peace
19 to know, going forward, that Jenny and the kids will have
20 Teresa, will have John, will have Kevin's extended family to
21 help them in the difficult days, months, and years ahead.

22 While Kevin, Jenny, and the entire family have
23 faced unimaginable challenges, they never lost their faith.
24 They remained focused on their love for one another,
25 grateful for each day that they had together, and steadfast

1 in the faith they shared. It has been inspiring.

2 Though the pain is great, I know that the
3 McIntyre family will continue to find comfort knowing that
4 Kevin is at peace and his remarkable spirit lives on here
5 and through those he touched over the course of his life.

6 I also know that both Kevin and Jenny would want
7 me to recognize the dedicated work of those who served on
8 Kevin's team and supported his vision at every step of the
9 way, including: Anthony Pugliese, Martin Kirkwood,
10 Elizabeth Glenn, Angela Amos, Carolyn Clarkin, Nicholas
11 Gladd, Laura Swett, and Michelle Brown. I would personally
12 like to thank each of you for your service as well.

13 Now I would also like to share some remarks from
14 one of Kevin's closest friends and advisors, Martin
15 Kirkwood. Martin was a former law partner of Kevin's at
16 Jones Day and, more importantly, a friend for more than 20
17 years.

18 As Martin Recalls:

19 "One of Kevin's favorite phrases as Chairman was 'full steam
20 ahead,' and he meant it. Although he was Chairman for just
21 under one year, the Commission's achievements under Kevin's
22 leadership include improving how FERC reviews gas pipeline
23 and liquefied gas facilities, addressing reliability and
24 resilience of the nation's electric grid, ensuring efficient
25 energy markets, providing adequate returns for service

1 providers, and acting to flow corporate tax cuts to
2 consumers.

3 "Let me translate what this means for those of you who may
4 not be steeped in what I call the exciting field of FERC
5 regulatory work: While Kevin was FERC Chairman, the
6 Commission took concrete steps to help make sure the lights
7 stayed on, that there were adequate supplies of energy to
8 heat and cool your homes, businesses, and schools, and that
9 those supplies were reasonably priced. To put this work in
10 perspective, FERC issued about 930 orders while Kevin was
11 Chairman. Not bad for a year's work.

12 "Kevin was a 'lawyer's lawyer' and had great respect for the
13 'rule of law.' For him, the starting point on any issue
14 before the FERC was 'what does the law say?' He appreciated
15 the independence and professionalism of this agency. In
16 fact, as many of you are aware, very early in his tenure he
17 worked with his colleagues to get FERC unanimously to
18 reinforce its independence under the law. That was classic
19 Kevin.

20 "In my reflections on his year as Chairman, I
21 recall how much Kevin cared for and respected his fellow
22 Commissioners, his personal staff, and the Commission's
23 professional staff. Despite all he had to deal with, he
24 never failed to ask his colleagues and advisors about their
25 families and interests.

1 "He understood that, although he was the Chairman, not much
2 would get done at FERC--meaning the American people would
3 not be served--without the input and hard work of his fellow
4 Commissioners and the Commission's staff of nearly 1400
5 dedicated men and women.

6 "Kevin also understood the importance of FERC as a collegial
7 body and that, although there may be disagreements from time
8 to time, we did not have to be disagreeable toward one
9 another.

10 "The last thought I'd like to share about Kevin, and I think
11 in some way Kevin would want me to end on this point: He
12 made it FUN. He was a quick wit and had a great sense of
13 humor. I always looked forward to my meetings with Kevin to
14 discuss the issues of the day. He truly made the work
15 enjoyable."

16 I want to thank Martin for allowing me to share
17 those reflections with everyone here today. I think it is
18 an insightful look at just who Kevin J. McIntyre was and
19 demonstrates why so many, including myself, were drawn to
20 him and the impact that he had, whether on someone he had
21 just met, or those he had known for decades. So again,
22 thank you, Martin.

23 Though our colleague and friend is gone, we will
24 never forget him.

25 It is my privilege today to announce that the

1 Commission meeting Room will be named in Kevin's honor in
2 recognition of his service to the American people and his
3 many contributions as Chairman of the Commission. We are
4 still working through the details regarding the dedication,
5 and will share those as we have them.

6 In closing, I do want to take a moment. I know
7 each of my colleagues is going to speak to Kevin as well,
8 but I just want to take a moment to thank my colleagues, all
9 of you, for the way that you have helped all of us at the
10 Commission get through this very difficult time.

11 Commissioner LaFleur, Commissioner Glick, I have
12 so appreciated the support you have given to me as I stepped
13 in in this unimaginable situation, to Kevin's staff, and to
14 staff throughout the building, and I will always be grateful
15 for it.

16 And Commissioner McNamee, I have told you this,
17 one of the things that I am most heartbroken about is that
18 you, too, didn't get the opportunity to work closely
19 together, because I think, what I know, the two of you would
20 have hit it off instantly. Your personalities, your respect
21 for the rule of law, your intellect, your humor, your faith,
22 you guys would have been such good friends and such good
23 co-workers, and it really saddens me that we were all
24 robbed of seeing that relationship.

25 I want to close by saying that, while I never got

1 to hear the words directly, so many people have come up to
2 me in the last few weeks to tell me that Kevin told them
3 that he loved me like a brother. And that's classic Kevin,
4 that he would never have said those words to me directly,
5 because he didn't like to emote like that. He would have
6 said something to the effect of "I love you like my much
7 shorter brother," or "I love you like my dark-haired
8 brother."

9 (Laughter.)

10 CHAIRMAN CHATTERJEE: But I've heard it from
11 enough people that, even though I didn't hear it directly, I
12 know he meant it, and I love my brother. And I'm going to
13 work with my colleagues to ensure that we execute on the
14 legacy that he put into motion, not just for him and in his
15 memory but because he was an earnest public servant that
16 genuinely wanted to do the right thing. And I think the
17 initiatives he put into motion are the right thing to do
18 for the Commission and for the country, and I am going to
19 wake up every day focused on executing that.

20 And so I thank you and will turn it over to my
21 colleagues for any remarks that they may have.

22 COMMISSIONER LaFLEUR: Well thank you very much,
23 Mr. Chairman, and thank you for your comments.

24 I will just add a few brief additional remarks.
25 The last few weeks have been an extremely sad time for

1 everyone at the Commission who worked with Kevin, as we lost
2 a friend, a colleague, and a leader.

3 Very early in my career when I was a young
4 lawyer, I was at New England Electric when our CEO died very
5 suddenly, and I remember the impact that had on the whole
6 organization. And I hadn't thought about it for a long
7 time, but I was sharply reminded on the morning when I
8 walked back into 888 after we had heard that Kevin had died,
9 because there was that sharp tang of loss and that hollow
10 feeling all around the building and everyone you talked to,
11 because it was the feeling that our best and our brightest
12 had been taken away from us.

13 I think we are fortunate to have had Kevin
14 McIntyre at the helm for as long as he was. I appreciate,
15 Neil, your decision to name the Commission meeting room
16 after him. I think it is very appropriate.

17 I particularly appreciated Kevin's legal
18 judgment, his unstinting commitment the rule of law, and h
19 is deep concern for the organization even when he was going
20 through so much on the personal level. I appreciated, when
21 I met with him, his warm collegiality, as you said, always
22 asking about your family and personal things, his ready wit,
23 and I loved his vocabulary. He never used a--he always used
24 his unique words that properly summed up whatever he wanted
25 to say.

1 At Kevin's funeral and memorial service last
2 week, I was struck by the fact that the FERC family and our
3 attachment to Kevin was just really a small slice of a wide
4 range, or a wide circle of people whom Kevin touched during
5 his life with his wisdom, warmth, and humanity. And I
6 particularly want to extend my family's to Jenny, his young
7 children, and all of his family who are obviously very
8 close.

9 Finally, I too want to say a brief word about the
10 team in Kevin's office who are now taking on new
11 responsibilities at the Commission. They have served him
12 faithfully and well, especially during a very difficult
13 period this fall, and we were all very fortunate that they
14 were there and that they're still here at the Commission.

15 Thank you, very much.

16 COMMISSIONER GLICK: Thank you very much. Thank
17 you, Mr. Chairman.

18 You know, we usually get here in the morning at
19 the beginning of a Commission meeting and talk about the
20 latest significant Commission Orders, our views on them, and
21 maybe there are some recent reports or studies we want to
22 elaborate on or talk about or maybe brag about our favorite
23 sports teams--I'm assuming Commissioner LaFleur gets to do
24 that more than the rest of us--but I don't really feel like
25 doing any of that today. And I know my colleagues don't,

1 either.

2 I think we are here today, and appropriately so,
3 to take some time to remember our leader, Chairman Kevin
4 McIntyre. I first met Kevin when we were both going through
5 the Senate Confirmation process before coming to FERC. I
6 didn't know what to expect. Everyone said he was a
7 lawyer's lawyer, and to this day I still don't know what "a
8 lawyer's lawyer" means, but right away it was obvious that
9 he was both extraordinarily bright and highly principled.

10 He also was committed to maintaining the
11 Commission's reputation as a nonpartisan agency. These
12 qualities served him well when he arrived here on December
13 7th, 2017, a date, as he joked about during his swearing-in
14 ceremony, that he hoped would not live in infamy.

15 We were just days away from what was supposed to
16 be a vote on the Department of Energy's proposed resilience
17 rulemaking, and the atmosphere here was pretty tense. And
18 Kevin asked DOE for some additional time for the Commission
19 to act, and used that extra time to forge together a
20 compromise that led to a very important unanimous 5-0 vote,
21 which apparently was a year ago today. As is customary,
22 Kevin and I would meet every couple of weeks. I always
23 enjoyed these conversations. We didn't always agree, but
24 we exchanged our thoughts with respect to each other's point
25 of view.

1 But these meetings also provided an opportunity
2 to better get to know one another. We would catch up on the
3 latest sporting events, or what was happening at home, and
4 Kevin spoke--as was mentioned before--Kevin spoke glowingly
5 about his family, his remarkable wife Jenny and his three
6 amazing children, Lizzy, Tommy, and Annie.

7 And whenever we talked, even when his health
8 started to falter, Kevin never once failed to inquire about
9 my wife and my son, and that meant a lot.

10 Mr. Chairman, what we do here at the Commission
11 on a daily basis is important, but we need to remind
12 ourselves that it's not the most important things in life.
13 While it is clear from those that spoke at his funeral that
14 Kevin viewed being the FERC Chair as a high honor, it didn't
15 define him as a human being, and it was only a part of what
16 was a life well lived.

17 Sometimes it seems kind of rote to suggest that
18 we should take heart in an experience such as this and vow
19 to be better people, but I think we would do well to take a
20 page from Kevin's book and focus every day on upholding the
21 Commission's collegial and nonpartisan tradition.

22 The coverage in the press--the folks in the press
23 over there--sometimes seems to focus a lot on the horse race
24 aspect of what we do, what Commissioners are voting, how
25 we're voting whether there's an 'R' or a 'D' next to our

1 name. In my opinion, that's not an accurate picture of how
2 the Commission functioned under Kevin, or how it functions
3 today.

4 We agree far more often than not, and when we do
5 disagree we can do so civilly and with respect for our
6 colleagues' different points of view. Kevin embodied that
7 collegial spirit, and I can think of no better way to honor
8 his legacy than to be reminded of it every day when we walk
9 into what now will be the Kevin J. McIntyre Commission
10 Meeting Room.

11 Thank you, very much.

12 COMMISSIONER McNAMEE: Mr. Chairman, fellow
13 Commissioners, I did not have the privilege of working with
14 Kevin and that's one of the--having heard all these stories,
15 the comments so far, being at the funeral mass, it's one of
16 the great sadnesses for me personally in my career.

17 But in reflecting about everything I heard,
18 particularly at the funeral mass, there's something that
19 really came to make me realize is that, you know, when 'why
20 do good people die early? Why do these things happen?' in
21 some ways it's a witness to all of us that we need to
22 reflect about how can we be better people. How will we be
23 remembered?

24 And Kevin clearly was a witness throughout his
25 life of how to be a good person, a good family member, a

1 good lawyer, a good Commissioner, a good Chairman, but
2 ultimately what does it mean to be a good person? And so
3 while I did not have the privilege of knowing him, I had the
4 privilege of hearing, like many of us did, about his life,
5 his story, his interaction with people. And that is
6 something I think is very important. I know it's important
7 for me. I think it's important for all of us. And it's
8 probably very important in this town where it is, as
9 Commissioner Glick was saying, where we can kind of lose
10 sight of kind of what are things really about? What's
11 really important?

12 And so, Mr. Chairman, I think it's important, and
13 I think it was appropriate, and I thank you for naming this
14 room after Chairman McIntyre, because it will be a good
15 reminder for all of us. Thank you.

16 CHAIRMAN CHATTERJEE: Thank you, again, to my
17 colleagues, to Martin, to the McIntyre team, to all of the
18 staff of the Commission. And reluctantly, because I would
19 prefer to memorialize Kevin all morning, but we do need to
20 turn to some of the work of the Commission.

21 And one of the happier things going on here at
22 the Commission and in my life is that I'm proud to announce
23 two of the newest additions to my team today. First, John
24 Umberger, a Georgia Tech graduate, who joins us as executive
25 assistant. Through his work in the public and private

1 sectors, he has established a reputation for practical
2 results that stem from his ability to deploy technical
3 resources efficiently and accurately and to support the
4 people around him.

5 John grew up on a farm in Georgia and is no
6 stranger to hard work. In fact, any given weekend you might
7 find him working at a barn in Virginia or teaching at a
8 physical therapy studio in Northwest D.C.

9 Welcome, John.

10 The second addition to my team is Rachael Marsh
11 who has joined as a legal advisor. She has been part of the
12 FERC family for nearly five years, most recently as an
13 attorney advisory in OGC-Energy Markets. Rachael is a
14 native Texas and graduate of the University of Texas School
15 of Law, Harvard's Kennedy School of Government, and Texas
16 Tech University. Most importantly, she's also a wife and
17 mom to four-year-old Naomi who is an esteemed graduate of
18 FERC's daycare.

19 I appreciate the good work John and Rachael have
20 already been doing in the short time they've been on staff,
21 and look forward to what they're able to accomplish here at
22 the Commission.

23 Finally, one additional order of business.

24 I am pleased the Commission yesterday took action
25 in our ongoing review of natural gas pipeline rates stemming

1 from the Tax Cuts and Jobs Act and the D.C. Circuit's United
2 Airlines decision.

3 Specifically, we initiated three NGA Section 5
4 investigations to examine the rates of three natural gas
5 pipelines, finding that they may be substantially
6 over-recovering their costs of service.

7 We also terminated nine natural gas rate
8 proceedings, finding that the pipelines complied with the
9 Commission's filing requirements and no further action is
10 needed.

11 Yesterday's group of orders--issued in 12
12 proceedings--demonstrate progress in our ongoing efforts.
13 When we issued Order 849 last July, I committed to working
14 closely with my fellow Commissioners and staff to ensure
15 expeditious action in these proceedings. I remain focused
16 on working through the numerous filings pending before us to
17 ensure that the benefits of reduced taxes flow to consumers
18 and to resolve these matters as swiftly as possible.

19 Finally, I would be remiss if I didn't recognize
20 the tremendous efforts of the staff team that is dedicated
21 to these complex matters. These are some of the most
22 intricate issues that come before us, and I wanted to
23 personally thank all of you for your important and continued
24 work.

25 With that, I will conclude my remarks and turn

1 back to my colleagues for any additional opening statements
2 or announcements they may have.

3 COMMISSIONER LaFLEUR: Thank you very much, Mr.
4 Chairman. Welcome, Rachael and John, and welcome in advance
5 to the as-yet unintroduced members of Team McNamee. I want
6 to also just briefly mention the Natural Gas Rate Orders
7 that we voted out last night.

8 For the past several years, Commission staff has
9 conducted a very thorough-going annual review of revenues of
10 all the gas pipelines we regulate to determine whether
11 Section 5 actions are appropriate to address significant
12 over-recovery.

13 This year that review was made more complicated
14 by layering on our response to the passage of the Tax Cuts
15 and Jobs Act, as well as our decision in the wake of United
16 Airlines to eliminate the tax allowance for master limited
17 partnerships. And as is known, to help us evaluate the
18 impact of those three things, over-earnings in general, tax
19 cuts, and the MLP ruling, the Commission required each
20 pipeline to submit a rate analysis on form 501G as one of
21 three batches that have all been now submitted pretty much
22 over the Fall of 2018.

23 So last night we initiated three Section 5 Orders
24 against three pipeline, and indicated that we intended to
25 take no further action on several others. I am happy to

1 support those.

2 I do note there are still filings in batch one
3 that remain pending before the Commission. In addition,
4 there are two more batches to be considered for Commission
5 action. So this is my no means the end of our work on this.

6 I too want to recognize the tremendous amount of
7 work by staff that has taken us to this point, all the folks
8 who have to review all of the pipelines to get this far, as
9 well as the ongoing work they will now be doing on the
10 Section 5s, including over in OAL and in the Judges' suites.
11 So thank you very much.

12 COMMISSIONER McNAMEE: Mr. Chairman, I would like
13 to announce some of my staff, as well, and welcome to the
14 other new staff. I've been here a little over a month and
15 interviewing a lot of really neat and very intelligent and
16 talented folks. I'm still in the process of making some of
17 my decisions, but I would like to announce some of the folks
18 that I've asked and who have agreed to join my team so far.

19 The first is Carolyn Clarkin. She's not here
20 today, but she used to work for Chairman McIntyre and she's
21 agreed to join me as a legal advisor. She was previously an
22 attorney in the Office of the General Counsel for Energy
23 Projects. She holds a B.A. from Bucknell University and a
24 J.D. from my alma mater, the University of Virginia.

25 Next is Travis Fisher. Travis is an economist.

1 Prior to joining the Commission, Travis served at the U.S.
2 Department of Energy as a senior advisor in the Office of
3 Electricity. He was also an economist at a think tank, and
4 for seven years before that was here at the Commission in
5 the Office of Energy Market Regulation. He holds a B.S.
6 and a Masters in Economics from North Carolina State
7 University.

8 Third is of course Laura Swett. Laura Also joins
9 me from Chairman McIntyre's office where she served as a
10 legal and policy advisor. Before that, Laura was an
11 attorney in the Commission's Office of Enforcement, and in
12 private practice. She also is a great wahoo for undergrad
13 and was a J.D. from Georgetown Law. In addition, Kathleen
14 Bernard is my executive assistant. She has really helped me
15 get started, and she was previously here at the Commission,
16 and with her knowledge and background she's helped me
17 navigate the building, which has been a great, great help.

18 So I look forward to continuing to build my team,
19 and they've already helped me in trying to make it through
20 the many issues. I also want to say thank you to the
21 Chairman and my fellow Commissioners. It's been a great
22 first month, ya'all. It's really been neat to work with
23 you. And as Commissioner Glick said, and as others have
24 said, there are so many things that we share in common, the
25 issues are about what is the right thing to do. It's not

1 about the politics. It's not about what letter was behind
2 our name when we got nominated, and I've really enjoyed that
3 and have enjoyed all of your advice, your guidance, and I
4 look forward to continuing that. So thank you.

5 CHAIRMAN CHATTERJEE: Thank you.

6 Before moving to today's agenda, I too want to
7 recognize and congratulate the new additions to Commissioner
8 McNamee's team. I'm sure many of you recognize these faces
9 from the good work that they've already been doing here at
10 FERC. I can personally say that each of these individuals
11 has proven themselves to be invaluable members of the FERC
12 community.

13 I thank them for taking on this new challenge.
14 And my team and I look forward to continuing to work with
15 them in their new capacities.

16 With that, Madam Secretary, we are ready to go to
17 the Consent Agenda.

18 SECRETARY BOSE: Thank you, Mr. Chairman. Since
19 the issuance of the Sunshine Act Notice on January 10th,
20 2019, Item E-11 has been struck from this morning's agenda.
21 Your Consent Agenda is as follows:

22 Electric Items: E-1, E-2, E-3, E-4, E-5, E-6,
23 E-7, E-8, E-9, and E-10.

24 Miscellaneous Items: M-1.

25 Hydro Items: H-1, H-2, and H-3.

1 Certificate Item is C-2.

2 As to E-10 and C-2, Commissioner McNamee is not
3 participating.

4 We are now ready to take a vote on this morning's
5 Consent Agenda. The vote begins with Commissioner McNamee.

6 COMMISSIONER McNAMEE: Other than Items E-10 and
7 C-2 in which I am not participating, I vote aye.

8 SECRETARY BOSE: Commissioner Glick.

9 COMMISSIONER GLICK: Aye.

10 SECRETARY BOSE: Commissioner LaFleur.

11 COMMISSIONER LaFLEUR: Aye.

12 SECRETARY BOSE: And Chairman McIntyre--I'm
13 sorry, Chairman Chatterjee. I'm so sorry.

14 CHAIRMAN CHATTERJEE: Aye.

15 SECRETARY BOSE: Thank you. There are no other
16 discussion and presentation items for this morning.

17 CHAIRMAN CHATTERJEE: Thank you, Madam Secretary.
18 Before we adjourn today, I would actually like to recognize
19 two outstanding individuals for their distinguished service
20 on behalf of the Commission

21 On February 7th, 2017, major damage occurred to
22 the Oroville Dam Service Spillway during spillway operation.

23 Then, four days later, high inflows and reduced service
24 spillway capacity caused the ungated emergency spillway to
25 overtop for the first time in the project's history. The

1 following day, matters further worsened as excessive erosion
2 of the bedrock downstream of the emergency spillway
3 threatened the stability of the structure.

4 Thankfully, the reservoir was immediately lowered
5 using the service spillway to prevent potential erosion of
6 the emergency spillway's foundation. So today we extend our
7 sincere thanks to Frank Blackett and Doug Boyer who led the
8 Commission's response to the emergency at the Oroville Dam,
9 and have continued for the past two years to work tirelessly
10 to provide leadership and direction for ongoing efforts on
11 remediating the spillways at the dam.

12 Both Frank and Doug work in the Division of Dam
13 Safety and Inspections in the Office of Energy Projects.

14 Frank, who's here with us today, serves as the
15 San Francisco Office Regional Engineer where he is
16 responsible for overseeing the day-to-day operations of the
17 office, as well as the more than 550 dams within his
18 office's boundaries. Frank joined the Commission in 2009,
19 originally serving in the Portland Regional Office as a
20 staff civil engineer until 2014 when he moved to San
21 Francisco.

22 Doug Boyer, who unfortunately could not make it,
23 serves as a Branch Chief and leads the Commission's Risk
24 Informed Decision Making Program. Doug worked at the
25 Commission from 2006 to 2010 and then re-joined us in 2015.

1 As those familiar with the situation at the
2 Oroville Dam know, this was the most challenging dam safety
3 emergency in Commission history. But thanks in great part
4 to Frank and Doug's leadership and technical expertise,
5 workers were able to prevent the incident from worsening
6 into a failure. This was no small feat. Without their
7 efforts, the incident may have caused harm to thousands of
8 lives and damaged property downstream of the project.

9 But being the consummate public servants that
10 they are, both Frank and Doug essentially put their personal
11 lives on hold to respond to the emergency at Oroville, often
12 staying on site for weeks at a time. Day in and day out
13 throughout the crisis they've provided flawless support and
14 direction of the Commission's team responding to the
15 emergency.

16 In the early days of the incident, they exhibited
17 strong communication skills by maintaining constant contact
18 with Commission Headquarters, providing crucial timely
19 updates for OEP leadership, the Chairman and the
20 Commissioners at the time.

21 They used excellent judgment in making immediate
22 and sometimes on-site dam safety decisions, all without the
23 luxury of the typical dam safety review and evaluation
24 processes. And on February 12, Frank and Doug both spent
25 the entire night on the dam. As a result of their

1 observations and evaluations, the main spillway was able to
2 be operated at high flows in order to lower the reservoir
3 and stop the flow over the emergency spillway.

4 Their constant vigilance played a major role in
5 stabilizing the project last spring, effectively preventing
6 catastrophic failure of the emergency spillway and
7 preventing the loss of life. This was the best result that
8 could have been achieved.

9 My colleague and then-Chairwoman Cheryl LaFleur
10 visited the site during the emergency and was briefed by
11 Frank of the issues ongoing and the work being performed by
12 FERC staff. Since then, the service spillway has been
13 successfully reconstructed and upgrades to the emergency
14 spillway are being completed this month. If necessary, the
15 project can safely pass flows down the spillways this winter
16 and spring.

17 Without Frank and Doug's exceptional work and
18 dedication to the mission at Oroville Dam, I'm quite
19 confident that we would not be in the stable and safe
20 position that currently exists at the site.

21 Their work has been exemplary, and I am pleased
22 to present them both with the Chairman's Medal, which
23 recognizes outstanding commitment and exceptional leadership
24 in support of the Public Interest and the Mission, Goals,
25 and Organizational Objectives of the Commission.

1 Before we conclude and move on to the
2 presentation, I would like to turn it over to my colleagues
3 for any comments they may have.

4 COMMISSIONER LaFLEUR: Well thank you very much,
5 Mr. Chairman, for giving me a chance to say a couple words.
6 I too would like to congratulate Frank and Doug. I don't
7 think these awards could possibly be any more deserved.

8 As you mentioned, I visited the project in
9 February 2017, shortly after the collapse of the service
10 spillway and the damage to the emergency spillway during the
11 initial assessment and restoration phase of what was a very
12 long project. And it was Frank who took me around, and I
13 was fortunate to meet Doug also, and I've almost forgiven
14 Frank for taking me up in a helicopter with three missing
15 doors.

16 (Laughter.)

17 COMMISSIONER LaFLEUR: I don't really think all
18 of the videos I had seen before and since did it justice
19 when you look at the scope and the scale of the damage to
20 the spillways. They were carting out 1.7 million cubic
21 yards of debris from the site, which was enough to fill a
22 tractor trailer every 90 seconds. So it looked like those
23 books you read our kids, like Richard Scary's Big Book of
24 Construction, because it had air, land, and water all going
25 on at once.

1 Of course that was just the beginning of years of
2 work to stabilize and rebuild the spillways to protect
3 public safety, all of which was closely overseen by Frank,
4 Doug, and colleagues from Dave Kapka's Dam Safety
5 Organization from all around the country, all of whom had
6 day jobs, regulating the thousands of other dams, and spent
7 long stretches in northern California working on this.

8 And I believe the people in Vu County, as well as
9 all the people who live near and rely on other
10 FERC-regulated hydro facilities will be the ultimate
11 beneficiaries of Frank and Doug's expertise,
12 professionalism, and dedication. Thank you.

13 COMMISSIONER GLICK: Thank you. I just wanted to
14 thank Frank and Doug for their great service that they
15 performed. I think these days I think federal employees,
16 and government employees in general don't actually get a lot
17 of credit, and now there are an enormous number of
18 government employees around the country that are working
19 without pay and protecting our safety in all sorts of walks
20 of life, and I think it is very important to note that.

21 And with regard to hydro power, we have a lot of
22 responsibilities, but safety clearly is top of the list, and
23 Frank and Doug certainly went above and beyond. So thank
24 you very much.

25 COMMISSIONER McNAMEE: I also join in thanking

1 Frank and Doug for their work during this crisis. It's
2 really exemplary of how you all handled this, and, as I've
3 mentioned before, and as Commissioner Glick has mentioned,
4 there's a lot of good, dedicated public employees who do the
5 work and they do it well, and the American people are better
6 off for it. So thank you for your hard work and for your
7 dedication.

8 CHAIRMAN CHATTERJEE: Thank you. As mentioned,
9 unfortunately Doug could not be here this morning, but at
10 this time I would like to have Frank join us to receive this
11 well-deserved award.

12 (Applause. Presentation of award and photos.)

13 CHAIRMAN CHATTERJEE: Thank you. And with that,
14 this meeting is adjourned.

15 (Whereupon, at 10:53 a.m., Thursday, January 17,
16 2019, the Commission meeting was adjourned.)

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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the
5 Matter of:

6 Name of Proceeding:

7 1051st Commission Meeting

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16 Docket No.:

17 Place: Washington, DC

18 Date: Thursday, January 17, 2019

19 were held as herein appears, and that this is the original
20 transcript thereof for the file of the Federal Energy
21 Regulatory Commission, and is a full correct transcription
22 of the proceedings.

23

24 Larry Flowers

25 Official Reporter