

1 UNITED STATES OF AMERICA  
2 FEDERAL ENERGY REGULATORY COMMISSION

3

4 CONSENT ELECTRIC,  
5 CONSENT GAS, CONSENT HYDRO,  
6 CONSENT CERTIFICATES, DISCUSSION ITEMS,  
7 STRUCK ITEMS

8 1075th COMMISSION MEETING  
9 TELEPHONIC CONFERENCE

10

11 Thursday, February 18, 2021  
12 Conference Room  
13 Ace-Federal Reporters, Inc.  
14 734 15th Street, N.W.  
15 Suite 550  
16 Washington, D.C. 20005

17 The Commission met in open session at 10:42 a.m.,  
18 when were present:

19 CHAIRMAN RICHARD GLICK  
20 COMMISSIONER NEIL CHATTERJEE  
21 COMMISSIONER JAMES P. DANLY  
22 COMMISSIONER ALLISON CLEMENTS  
23 COMMISSIONER MARK C. CHRISTIE  
24  
25 SECRETARY KIMBERLY D. BOSE

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Agenda Items:

Consent-Electric

E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11,  
E-12, E-13, E-14, E-15,  
E-16, E-17, E-18, E-19, E-20, E-21, E-22, E-23 and E-24

Consent-Gas

G-1, G-2 and G-3

Consent-Hydro

H-1, H-2, H-3, H-4, and H-5

Consent-Certificates

C-2, C-3 and C-4

Discussion Items

C-1

Struck Items

None

1 Commissioner Statements for February 18, 2021

2

3 Commissioner Christie is not participating in the following

4 item on today's Commission Meeting: E-1

5

6 E-1 - Commissioner Danly dissenting with a separate

7 statement

8 E-2 - Commissioner Clements concurring with a separate

9 statement

10 E-2 - Commissioner Christie concurring with a separate

11 statement

12 E-3 - Commissioner Chatterjee dissenting with a separate

13 statement

14 E-3 - Commissioner Danly concurring with a separate

15 statement

16 E-3 - Commissioner Clements and Commissioner Christie

17 concurring with a joint separate statement

18 E-5 - Commissioner Glick concurring with a separate

19 statement

20 E-5 - Commissioner Clements concurring with a separate

21 statement

22 E-6 - Chairman Glick concurring with a separate statement

23 E-6 - Commissioner Clements concurring with a separate

24 statement

25

1 E-7 - Chairman Glick concurring with a separate statement

2 E-7 - Commissioner Clements concurring with a separate  
3 statement

4 E-20 - Commissioner Danly concurring with a separate  
5 statement

6 E-24 - Chairman Glick concurring with a separate statement

7 E-24 - Commissioner Clements concurring with a separate  
8 statement

9 C-4 - Commissioner Danly dissenting with a separate  
10 statement

11 C-4 - Commission Christie dissenting with a separate  
12 statement

13

14 Discussion and/or Presentations

15 Presentation by Brandon Cherry (OEP) accompanied by Paige  
16 Espy (OGC) and Thomas Chandler (OGC)

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18 Struck Items

19 None

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

2 (10:42 a.m.)

3 (The following proceedings are held by telephone  
4 conference.)

5 SECRETARY BOSE: Good morning. Thank you. The  
6 purpose of the Federal Energy Regulatory Commission's open  
7 meeting is for the Commission to consider the matters that  
8 have been duly posted in accordance with The Government in  
9 the Sunshine Act. Members of the public are invited to  
10 listen to this meeting, which includes listening and taking  
11 notes but does not include participating in the meeting or  
12 addressing the Commission.

13 Actions that purposely interfere, or attempt to  
14 interfere, with the commencement or conducting of the  
15 meeting, including attempts to address the Commission while  
16 the meeting is in progress, are not permitted. Any persons  
17 engaging in such behavior will be disconnected from the  
18 meeting.

19 If you wish to comment on an ongoing proceeding  
20 before the Commission, please visit our website for more  
21 information. Thank you for your cooperation.

22

23 CHAIRMAN GLICK: Madam Secretary, we are ready to  
24 begin.

25 SECRETARY BOSE: Good morning, Mr. Chairman.

1 Good morning, Commissioners. This is the time and place  
2 that has been noticed for the open meeting of the Federal  
3 Energy Regulatory Commission to consider the matters that  
4 have been duly posted by the Commission.

5 Please join me in the Pledge of Allegiance.

6 (Pledge of Allegiance is recited.)

7 SECRETARY BOSE: Commissioners, since the January  
8 open meeting the Commission has issued 44 Notational Orders.

9 Thank you, Chairman Glick.

10 CHAIRMAN GLICK: Thank you, Madam Secretary, and  
11 good morning to everybody.

12 First I want to apologize. I know we were a  
13 little late starting this morning. We were still getting  
14 some of our orders together, so I appreciate the patience.  
15 And I do have good news for everybody. I know there have  
16 been some complaints about the music while people are on  
17 hold, and I want to mention that we are going to try to  
18 improve the music, or at least the selections, next month.  
19 And maybe we will actually ask the Commission to put  
20 together their own playlist.

21

22 I want to begin by noting that our hearts go out  
23 to the millions of people in Texas and around the country  
24 that remain without power. As we all know, power outages  
25 are always challenging, but losing power for days during an

1 historic and prolonged cold snap constitutes a humanitarian  
2 crisis. People are literally dying.

3           This is simply unacceptable. The short-term focus  
4 must be on restoring power to the grid. But we also have a  
5 responsibility to ensure this does not happen again. This  
6 Commission lacks jurisdiction over ERCOT, the Texas grid  
7 operator, and thus we do not have much of a role to play as  
8 ERCOT works to get power flowing again. But we do have the  
9 responsibility to, along with NERC, protect bulk power  
10 system reliability, including in Texas.

11           FERC and NERC will be engaged in a joint inquiry  
12 to get to the bottom of what happened, and assess how these  
13 outages can be prevented the next time extreme weather  
14 occurs. But we also need to ensure that the results of the  
15 inquiries don't just sit on the shelf gathering dust, like  
16 so many other reports of this kind, and that we don't do  
17 what happened after a 2011 event in Texas and Arizona: rely  
18 on voluntary guidance to protect the public.

19

20           We don't have to guess how effective that was.  
21 Instead, I am prepared, if necessary, to support the  
22 imposition of new mandatory standards to make sure that  
23 electric generators and others are better prepared when  
24 weather strikes the next time. And there will be a next  
25 time.

1           Climate changes is, unfortunately, already having  
2 a dramatic impact on our weather -- be it wildfires,  
3 hurricanes, or the extreme cold we've seen across the middle  
4 of the country. The challenge climate change poses to the  
5 grid are only going to grow starker and more immediate.

6           I also believe both Congress and the state  
7 government need to rethink Texas's go-it-alone approach to  
8 much of the state's electric grid. Does it really make  
9 sense to isolate yourself and limit your ability to get  
10 power from neighboring regions just to keep FERC at bay?  
11 That strikes me as the proverbial cutting off your nose to  
12 spite your face.

13           I also want to ask everyone to take a deep breath  
14 and await the outcome of the joint inquiry before jumping to  
15 conclusions. The media is already filled with interest  
16 group flack trying to pin blame on one generation source or  
17 another, all in an effort to boost their own technology at  
18 the expense of others. That is irresponsible.

19  
20           The one thing that is clear is that there is not a  
21 resource type that has been immune from the challenges of  
22 extreme weather. Coal, gas, nuclear, hydro, wind, and solar  
23 were all impacted. And misinformation campaigns will only  
24 make it harder to keep the lights on in the future.

25           Finally, I would be remiss if I failed to mention



1 the men and women that are working around the clock at  
2 regional grid operators, utilities, generation facilities,  
3 and other places in an effort to get power restored as  
4 quickly as possible. Their extraordinary efforts deserve to  
5 be recognized.

6 Shifting gears, as this is my first Commission  
7 meeting as Chair, I want us to publicly thank President  
8 Biden for the confidence he showed by designating me to  
9 chair this Commission. It is truly an honor.

10 I have been at FERC for a little over three years,  
11 and I have had the opportunity to work with the Commission's  
12 terrifically knowledgeable and dedicated staff. I look  
13 forward to working with them even more closely in my new  
14 capacity.

15

16 I also am extremely grateful to have the benefit  
17 of a top-notch team in my office. As I recently announced,  
18 Pamela Quinlan is now the acting chief of staff in my  
19 office, and Matt Christensen is the Commission's new General  
20 Counsel. Pamela and Matt are part of the original dream team  
21 of advisors, along with Erica Hough and Liz Salerno who have  
22 been with me since I started at FERC.

23 I am grateful that Erica and Liz have agreed to  
24 remain in my office. Ben Gordon, who has been on detail  
25 from the Office of General Counsel, will join my office

1 full-time as a legal advisor. And Cat Giljohann also from  
2 the General Counsel' office has had her detail to my office  
3 extended. Both Jen and Cat have done an amazing job.

4 I also want to thank Benjamin Williams, my  
5 Director of Operations and Communications, and Adriane  
6 Bowman who serves as Executive Assistant. There is a  
7 lifeline to our office.

8 I also look forward to continuing to work closely  
9 with my colleagues, Commissioners Chatterjee, Danly,  
10 Clements, and Christie on the important issues FERC deals  
11 with on a daily basis. I will strive to earn their trust  
12 and seek to reach consensus as often as possible.

13

14 I am excited to be serving on this Commission at  
15 this particular point in time when we have a full complement  
16 of five Commissioners to tackle the challenges presented by  
17 an energy industry that is undergoing a dramatic  
18 transformation toward a cleaner energy future, that presents  
19 substantial opportunities both in terms of dramatically  
20 reducing U.S. greenhouse gas emissions, but also in growing  
21 our economy and creating new jobs.

22 FERC is an energy regulatory agency. Our job is  
23 not to support electric industry stakeholders to reduce  
24 emissions. That is the role better left for Congress, the  
25 other agencies, and the states. But we do have a

1 responsibility, pursuant to the Federal Power Act, to  
2 eliminate discriminatory barriers to new technologies, and  
3 to ensure that wholesale markets are functioning properly to  
4 better enable generators to meet customer demands.

5 We also, in my opinion, need to take the  
6 existential threat both by climate change into account when  
7 assessing the public interest.

8 We have a lot of work to do, and along those lines  
9 I am pleased to announce that, beginning next month, the  
10 Commission will convene the first in a series of technical  
11 conferences focused on modernizing electricity market  
12 design.

13  
14 The initial conference will address the role of  
15 capacity constructs, which have traditionally been used to  
16 send price signals for guiding resource entry and exit in  
17 today's environment where new entry is increasingly governed  
18 by states' exercise of their authority over resource  
19 decision-making to achieve public policy goals.

20 The focus in this first conference will then  
21 narrow in on PJM's specific capacity construct, and examine  
22 options for creating a durable resource adequacy construct  
23 that will accommodate states exercising their authorities in  
24 the modern electricity sector.

25 We will also plan to hold similar conferences

1 regarding ISO New England and New York ISO in the months  
2 ahead.

3 In addition, later this year we will convene  
4 additional conferences to examine how energy and ancillary  
5 services markets may need to evolve to meet challenges posed  
6 by the grids of the future.

7 I also want to briefly touch on the Commission's  
8 approach to inclusivity in our decisionmaking processes.  
9 Many of our orders affect a wide swath of people and  
10 interests. In some cases, affected parties participate in  
11 relevant FERC proceedings directly through legal counsel, or  
12 through associations or groups to which they belong. Others  
13 sometimes do not have the notice, financial means, or the  
14 time to address concerns that arise that may affect their  
15 interests.

16  
17 In 1978, Congress enacted legislation creating a  
18 FERC Office of Public Participation. That office was never  
19 actually established. This past December, Congress  
20 reaffirmed its direction and we will be establishing this  
21 office to facilitate better public participation in our  
22 proceedings.

23 Because this is a substantial undertaking, I have  
24 asked Commissioner Clements to take the lead in getting this  
25 office up and running. I know that Commissioner Clements

1 has been a strong proponent of the office, and I know she  
2 will do a terrific job in getting it off the ground.

3 In addition, it is equally important that the  
4 Commission improve focus to environmental justice and  
5 equity. Last week I announced that the Commission will be  
6 creating a senior-level position to work with the Commission  
7 staff to elevate our approach for considering the impact of  
8 FERC's actions on historically marginalized communities.

9  
10 I also want to comment on a couple of items on  
11 today's agenda. I will defer my comments on C-1 until after  
12 a presentation from staff. On E-1, the Commission today is  
13 vacating the infamous footnote 134 added to a Rehearing  
14 Order the Commission issued last year on PJM's compliance  
15 filings to the Commission December 2019 PJM MOPR Order. In  
16 this Rehearing Order, the Commission accepted PJM's tariff  
17 language that said that state renewable programs that  
18 required the service providers to comply with the renewable  
19 portfolio standards would be exempt from the MOPR.

20 However, that same Order contained a footnote  
21 directly contradicting the PJM tariff language by suggesting  
22 that state renewable portfolio standard compliance as part  
23 of the state's auction program, could be subject to the  
24 MOPR.

25 In today's Order, the Commission clarifies that it

1 is the tariff language that controls, by vacating footnote  
2 134. I believe that this, finally, is the end of the  
3 Commission's PJM MOPR proceeding. Although I disagreed  
4 with our various MOPR orders, I do believe it is time for  
5 PJM to move ahead with the capacity auction, which has  
6 unfortunately been delayed for several years.

7           Today's Order in C-4 seeks additional comment in a  
8 pending proceeding involving the Weymouth Compressor  
9 Station. The Commission issued a certificate for the  
10 project in 2016, and rehearing was denied in 2017. But the  
11 Commission must still find that it is in the public interest  
12 for the project to be placed in service.

13

14           Several months ago, Commission staff issued an  
15 order permitting the company to place the compressor station  
16 in service. The opponents sought rehearing of that  
17 decision, arguing in part that two recent blowdowns at the  
18 site suggest that the project presents an unacceptable risk  
19 to the local community.

20           The order we are considering today asks for  
21 additional comments on this matter. I anticipate that these  
22 comments will help supplement the record to enable the  
23 Commission to act on the pending rehearing request.

24           Finally, I want to comment on E-3, which closes  
25 the docket the Commission established in January 2018 in the

1 aftermath of then-Secretary of Energy Rick Perry's PEL  
2 proposal to subsidize certain power plants with a 90-day  
3 supply of fuel on hand, under the guise of grid resilience.

4           The Commission in this docket sought comments on  
5 the appropriate definition of "bulk power system resilience"  
6 and whether and how the Commission should pursue resilience  
7 in jurisdictional markets.

8           Although we received comments several months  
9 later, the Commission never took any subsequent actions. I  
10 believe it is time now for FERC to terminate this docket  
11 that has been pending for a long time.

12

13           Now I understand that some may ask why has this  
14 Commission taken the action, given what happened this week  
15 in Texas and surrounding states. The answer is that the  
16 docket we are terminating has nothing to do with what has  
17 been going on this week. It grew out of a politically  
18 charged effort to prop up particular resources that were  
19 losing market share, which is simply not the way to ensure  
20 the resilience of the grid.

21           In any case, the fact that we are closing this  
22 particular docket does not mean everything is fine. This  
23 week's record-setting cold snap is yet another example that  
24 climate change is already having a dramatic impact on  
25 weather patterns. And this wild weather means that

1 utilities, transmission owners, system operators,  
2 generators, and others need to ensure that their facilities  
3 are resilient in the challenges posed by climate change.

4           But that does not mean we should be taking a  
5 generic action in a docket like this one. As today's order  
6 points out, the resilience challenges facing the Nation  
7 differ dramatically from region to region.

8  
9           For instance, the wildfires that threatened the  
10 grid in the West, and the hurricanes that threaten the grid  
11 in the Gulf and along the East Coast, are unlikely to pose  
12 much of a threat in MISO. The only reasonable way to  
13 address these differing threats is to a region-by-region  
14 approach. Faced with the threat of climate change, we have  
15 neither time nor resources to spare.

16           I will say it again: I believe this Commission has  
17 the responsibility to address these threats to resilience as  
18 part of our responsibility to protect bulk power system  
19 reliability, and we will do just that. But let's not  
20 confuse the docket that we are closing today with a  
21 particularly useful approach to achieve our reliability  
22 mandates.

23           With that, I will turn to my colleagues for any  
24 additional comments or opening statements they have. We'll  
25 start with Commissioner Chatterjee.



1           COMMISSIONER CHATTERJEE: Thank you, Mr. Chairman.  
2 First off, I would like to also address the current  
3 situation in Texas, the Midwest, and the South.

4           This is a true humanitarian crisis. Lives have  
5 been lost. Safety is still compromised. Pipes are  
6 bursting. Hospitals and fire stations are struggling.  
7 Traffic lights are out. All while our front-line energy  
8 workers are doing everything they can to restore power in  
9 the midst of a global pandemic.

10

11           This is a real tragedy, and I understand that in  
12 situations like this that the tendency is toward  
13 frustration, and anger, and looking for someone to blame. I  
14 want to stress again that we all need to take a deep breath  
15 and allow the experts to dig in and find out what was at the  
16 root cause of these clear failings.

17           For the time being, let's focus on safety and  
18 recovery. But please rest assured that this Commission will  
19 do its part to get to the bottom of why this occurred.

20           I want to commend Chairman Glick for his  
21 leadership in working with NERC to initiate an investigation  
22 into the root cause of this event. And I would just  
23 encourage everyone to stop viewing these sorts of things  
24 through a particular partisan lens favoring one fuel source  
25 or another. And let's let the experts dig into it, and then

1 make a determination on how to proceed. But until we have  
2 that understanding, it is too soon to try to advocate for  
3 solutions -- including imposing mandatory standards for  
4 exerting FERC jurisdiction over ERCOT.

5  
6           Next, I would like to note that it is a special  
7 day here at the Commission, as we mark Chairman Glick's  
8 first time gaveling us into the open meeting as Chairman.  
9 I've said this to anyone who will listen, you are well  
10 deserving and well suited to lead this agency. I deeply  
11 appreciate your collegiality, intellect, and commitment to  
12 our important work. And I very much value a personal  
13 rapport and ability to find common ground wherever possible.

14           There's a lot of good work we can do together in  
15 the coming months. I also want to come to your defense on  
16 the starting time of the meeting. Having been through these  
17 types of things myself, I can say being Chairman is hard.  
18 Some have asked why we don't just start these meetings at  
19 noon instead of ten a.m., and my response to that is simply:  
20 If we started them at noon, or scheduled them at noon, we  
21 would start them closer to one.

22           I also want to extend my congratulations to Matt,  
23 our newly minted General Counsel, and Pamela, our new Acting  
24 Chief of Staff. I have had the pleasure of working with and  
25 getting to know both Matt and Pamela over my years here at

1 FERC. They are stellar picks, and will serve this agency  
2 well, along with the rest of your strong team.

3

4           Since the last open meeting, Team Chatterjee has  
5 had to say a few farewells that I want to mention today. My  
6 confidential assistant, Jennifer Mellon, has departed the  
7 Commission for an exciting new opportunity. I wish Jen well  
8 in her new chapter, and thank her for her great work. Keep  
9 the trains running for all of us. We will miss her a great  
10 deal.

11           We also said farewell to Lindsey Gentry, who most  
12 recently served as FERC's Director of External Affairs.  
13 Lindsey was my very first hire when I came to FERC. She  
14 joined me from Leader McConnell's office, and started as my  
15 confidential assistant. But her talents quickly  
16 caterpaulted her into a leadership role. Her ability to  
17 communicate about complex energy issues is truly unmatched.  
18 And the agency greatly benefitted from her expertise.

19           I will really miss working with  
20 Lindsey on a daily basis, but I know she will continue to  
21 excel in the energy space in her new role in the private  
22 sector.

23           Turning to today's agenda, I will start with Item  
24 E-1. I spoke to this issue at last month's meeting, so I  
25 will keep these comments brief. I am very pleased we are

1 acting today to respond to the final arguments pending on  
2 rehearing in the PJM MOPR proceeding. Today's action  
3 clarifies once and for all that revenue from a state's  
4 nondiscriminatory and competitive default service auction  
5 does not qualify as a state subsidy that triggers the MOPR.  
6

7           The footnote that we vacate today was distaff, in  
8 my view, and it muddied the path forward. I am pleased we  
9 could clean up that confusion, and was happy to work closely  
10 with the Chairman on this issue.

11           Relatedly, I'll touch on the Chairman's  
12 announcement that the Commission will launch a series of  
13 technical conferences focused on modernizing electricity  
14 market design, with an initial conference on capacity  
15 construct generally with a spotlight on PJM's capacity  
16 construct.

17           I support this type of forward thinking, just as I  
18 applaud PJM's current efforts to engage stakeholders in the  
19 new dialogue about its capacity markets. PJM has tee'd up  
20 important questions about accelerated changes in the  
21 resource mix, technology, consumer preferences, the  
22 direction of both state and federal policies, and how all of  
23 these factors of crossing further thinking about potential  
24 market design were formed.

25           The landscape undoubtedly has changed. If PJM's

1 markets can continue to deliver benefits to consumers  
2 through competition, while also better accommodating state  
3 policies, then I say let's roll up our sleeves. I look  
4 forward to being at the table and engaging in this process  
5 to constructively work toward durable market-based  
6 solutions.

7

8 I haven't seen concrete details about the scope  
9 and plans for the technical conference series the Chairman  
10 has in mind, but I will use this as an opportunity to make a  
11 clear call here for proceeding in a measured manner when it  
12 comes to the PJM capacity market.

13 Mr. Chairman, I fully understand that you've  
14 spilled a lot of ink over the years in opposition to the  
15 MOPR, and capacity market issues are one of your top  
16 priorities. But PJM has tee'd up an auction timeline for  
17 2021. I think we should respect that process and take  
18 utmost care to support PJM in adhering to that timeline and  
19 fostering as much stability for investment decisions as we  
20 can.

21 When it comes to PJM, while I can fully understand  
22 the appeal of being quick out of the gate, the better bet is  
23 to think holistically and proceed deliberately. PJM and its  
24 stakeholders deserve a commitment to do so.

25 I will also take just a brief moment to note that

1 if Item E-2 were reversing a prior conclusion regarding  
2 whether certain commercial system load relief programs  
3 should be excluded from the calculation of special case  
4 resource offer floors in the New York ISO. This is a bit of  
5 a technical decision based on clarifying arguments made on  
6 rehearing.

7

8 Suffice it to say that I support our determination  
9 that the programs at issue here are designed exclusively to  
10 benefit distribution level facilities and thus are  
11 appropriately excluded from the offer floor.

12 I would also like to take a moment to address Item  
13 E-3, an order that closes without further action the  
14 Commission's pending proceeding on grid resilience. I  
15 oppose this action, and I want to be clear about why.

16 The climate is changing, plain and simple. And as  
17 a result, we are experiencing more frequent and more severe  
18 extreme weather events that put enormous pressure on the  
19 bulk electric system. Just this week, much of the Nation  
20 has been grappling with an extreme cold weather event that  
21 caused widespread generator outages and transmission outages  
22 that led to varying levels of loadshed in ERCOT, MISO, and  
23 SPP.

24 This event follows a clear trend line. In each of  
25 the last four years, without even discussion hurricanes,

1 wildfires, or last year's Midwest diraggio, we can point to  
2 extreme heat wave or cold weather events that grabbed  
3 headlines and negatively affected the bulk power system.

4

5           In 2018, the South Central United States  
6 experienced an extreme cold weather event. In 2019, a heat  
7 wave affecting Texas resulted in ERCOT setting its all-time  
8 peak demand. And now, of course, large swaths of the United  
9 States are still feeling the effects of this week's extreme  
10 cold weather event.

11           These extreme weather events are occurring  
12 throughout the Nation, and each one tests the reliability  
13 and resilience of the bulk electric system. We have  
14 consistently seen significant levels of unplanned and  
15 correlated generator and transmission outages that put  
16 additional strain on the system. At the same time, we have  
17 seen dramatic changes to our resource mix across all  
18 regions, as consumers across the Nation have demanded  
19 cleaner energy sources.

20           Despite these nationwide trends, and the fact that  
21 we have learned that extreme weather does not respect  
22 regional boundaries, today's Order reasons that a  
23 comprehensive approach to grid resilience is not necessary.  
24 Rather, while acknowledging that resilience concerns remain,  
25 the majority punts and writes an IOU to the consumers that

1 lost power this week, and those that stand to lose power the  
2 next time we face an extreme event, offering nothing more  
3 than an empty promise that the Commission will address  
4 resilience on a case-by-case and region-by-region basis.

5  
6 This agency's mission is to assist consumers  
7 across the Nation in obtaining economically efficient safe,  
8 reliable, and secure energy. It doesn't matter what region  
9 we're talking about. Consumers all expect the same thing:  
10 to have power in their homes and businesses, especially when  
11 they need it the most.

12 We are failing the American people by kicking this  
13 can further down the road in the middle of a crisis  
14 affecting millions of Americans. If this proceeding with  
15 the substantial record that has been developed, is not the  
16 correct vehicle for a serious and honest look at resilience,  
17 please tell me what is.

18 I want to be very, very clear here. I voted  
19 against the DOE NOPR, and I am voting today on Item E-4 to  
20 double down on that decision. I continue to oppose a cold  
21 bailout in any way, shape, or form. That is not what this  
22 proceeding is about. A unanimous, bipartisan Commission  
23 rejected DOE's proposal and instead opened a separate  
24 proceeding to explore, with a fuel-neutral lens, what it  
25 means to have a resilient grid, and what steps the



1 Commission can take to foster it.

2

3           Those questions, and their answers, remain  
4 critical. And while the details most certainly may vary  
5 region to region, the core questions and fundamentals do  
6 not. I strongly support working to squeeze carbon out of  
7 the power sector. I strongly support the deployment of  
8 renewables. I've worked to open up our markets to new  
9 technology such as battery storage and aggregated DERs, and  
10 I support further efforts to help deploy grid-enhancing  
11 technologies and to attract the investments in transmission  
12 needed to provide much-needed flexibility as we move towards  
13 the cleaner grid of the future.

14           That work and commitment to shaping a cleaner  
15 energy future is exactly why I opposed closing this  
16 proceeding, and why I have continually pressed my colleagues  
17 during the pendency of this docket to look ahead and take  
18 pragmatic steps forward.

19           We can't shirk here. We can't throw up our hands  
20 and say, 'it's too hard,' and 'it's too politically  
21 fraught,' and ignore our responsibility to develop a shared  
22 understanding of what it means to have a resilient grid at  
23 this critical point in our energy transition.

24           The Commission should press forward and directly  
25 grapple with the resilience concerns raised in this

1 proceeding. We should take concrete actions to ensure that  
2 the Commission, RTOs, and stakeholders understand how each  
3 RTO assesses and addresses the resilience of its grid.

4

5           We need to be proactive and clear-eyed about where  
6 we want to go. We need a grid that not only is green-- and  
7 again, I emphatically, emphatically support actions to  
8 rapidly de-carbonize our grid. But also one that is more  
9 flexible and can withstand extreme weather events like this  
10 one. It is what consumers require and, quite frankly, what  
11 they deserve. That is why I am voting no on Item E-3.

12           I would like to turn next to Item C-1, the Notice  
13 of Inquiry on Certification for New Interstate Natural Gas  
14 Facilities. The Commission began this process in 2018 under  
15 the leadership of Chairman Kevin McIntyre. Since then, many  
16 of you have heard me say that I thought considering a new  
17 policy statement should wait until we have full complement  
18 of five Commissioners. So I am eager to take this matter up  
19 again.

20           I think the additional questions we ask today will  
21 help further build out the record in this proceeding. And I  
22 welcome comments both on how some of these ideas might work,  
23 and on which ideas simply aren't practical. As we've seen  
24 this week, natural gas and natural gas infrastructure is  
25 essential to heat people's homes and fuel electric

1 generation.

2

3 I support the continued certification of pipelines  
4 to meet our country's energy needs. That is consistent with  
5 the Natural Gas Act, and my duty to my role as a  
6 commissioner. I also firmly believe that a strong FERC  
7 process for citing interstate natural gas pipelines,  
8 balancing impact and need and listening to all voices, can  
9 serve as a model as the Nation considers building out our  
10 electric transmission infrastructure to power our Nation's  
11 transition to a new energy future.

12 It is important that we don't cripple this energy  
13 transition by making infrastructure -- both pipeline and  
14 electric transmission infrastructure -- too difficult to  
15 build by smothering it in expensive red tape.

16 As I've said before, I think Item C-4, the  
17 Algonquin Pipeline Order, is another item which really  
18 benefits from the participation of all of our commissioners.  
19 We've heard concerns from many members of the local  
20 community, so today the Commission is asking for further  
21 briefing on the questions they raise.

22 I want to stress that today's Order simply asks  
23 for briefings to gather information on the unique  
24 circumstances posed by this proceeding. We are not issuing  
25 an order on rehearing today, and we are not halting the

1 operation of this facility, which the Commission determined  
2 was needed in 2017.

3

4 I do not support reopening  
5 completed certificate proceedings. Natural gas consumers  
6 need to have certainty that they will still be able to  
7 receive the gas on which they rely.

8 With that, I will conclude my remarks and turn it  
9 back to you, Mr. Chairman.

10 CHAIRMAN GLICK: Commissioner Danly?

11 COMMISSIONER DANLY: Thank you, Mr. Chairman.  
12 First of all, congratulations to you, Chairman Glick. It's  
13 great to see you in the chair there.

14 So turning to the items today, on E-1 on PJM, I am  
15 dissenting. I am doing so because I believe that FERC has  
16 both the right and the obligation to protect their  
17 jurisdictional markets from the price-suppressive effects of  
18 state policies.

19 While it may be that in the relatively near future  
20 markets are going to face some profound changes. I am still  
21 convinced of the belief that this is the most responsible  
22 method of making sure that our markets produce just and  
23 reasonable rates, and I think have anything but a bright  
24 line against the participation of subsidized resources is  
25 simply an error and a dereliction of the duty to keep our

1 markets properly inflated from the effects of those  
2 policies.

3

4                   This docket has a complex history,  
5 and footnote 134 itself is a component of a previous Order  
6 that was itself necessary to garner majority support. To  
7 vacate it now, both as I say in my separate statement,  
8 imperils and inhibits the market, but it also doesn't do  
9 honor to the earlier decision that the Commission made.  
10 And it's, you know, worth noting that at the time it was not  
11 considered dicta, and in fact then-Chairman Chatterjee  
12 himself specified that only certain state default auctions  
13 who met the criteria would not meet the definition of the  
14 state subsidy.

15                   So I am disappointed to see this item get issued  
16 today.

17

18                   Turning to the Item C-1, the Certificate policy  
19 NOI, I for one don't believe that there is any need whatever  
20 to revisit our certificate policy. I'm skeptical, as I'm  
21 sure many would imagine, about the objectives that one could  
22 glean from the questions asked, but there's certainly  
23 nothing legally infirm about the Commission examining its  
24 policies and asking questions. And I don't have any  
25 particular point to make about the substance of the NOI,

1 other than to say that it's obviously rather contentious and  
2 I will likely oppose most of the initiatives that the  
3 Chairman is likely to embark upon.

4           Nevertheless, I want to take a moment to recognize  
5 the extraordinary length that Chairman Glick went to in  
6 order to accommodate my input on this item, knowing full  
7 well what my general outlook is on the subject, especially  
8 with regard to the legal questions that I wanted to ask as  
9 part of the NOI. And he and regional counsel Matt  
10 Christensen, who is a first-rate lawyer, both of them were  
11 remarkably collegial in accepting my request of edits. And  
12 I think that enthusiasm on their part deserves a moment of  
13 public recognition.

14           And beyond that, I am just going to beat the drum  
15 again and say that I hope that in commenting people engage  
16 in the legal questions that are in this NOI. There are many  
17 subjects in there that talk about policies that I'm  
18 uncertain will pass muster under the law, and I would like  
19 all commenters to the extent that they can to offer their  
20 thoughts both on the policy and the legality of the  
21 questions that are posed in the NOI.

22

23           Moving to C-4, Weymouth, I'm dissenting. Despite  
24 the way it's been characterized, this Order is very odd.  
25 And it in a certain sense may actually be the most important

1 Order on the meeting, depending upon what the consequences  
2 are down the road. This Order, by its plain terms, casts  
3 into doubt every certificate that is held by every natural  
4 gas company across the country.

5           It threatens the finality of the orders that we  
6 issue. It calls into question the stability that the entire  
7 system has come to rely upon once the certificate is issued.  
8 Because, regardless of the way it's described at the meeting  
9 here today and what proceeding it may have seemed to come  
10 out of, the Order's clear language asks questions that can  
11 only be read to relitigate the final non-appealable  
12 certificate order, which is what contains the conditions  
13 that could possibly be at issue in the briefing.

14           I can't understand why it would be that we would  
15 ask for briefing on something where the only conceivable  
16 remedy is one that lies outside the power of the Commission.  
17 Every natural gas pipeline company should take notice of  
18 this issuance today in C-4. And maybe even try to file a  
19 protective docket intervention just in case, because it's  
20 uncertain exactly whether this proceeding is here or not.  
21 It has no docket number, but it doesn't state exactly what  
22 it's purporting to do because it's not an order on  
23 rehearing.

24

25           Algonquin, at the very least, should appeal it's

1 been aggrieved by this Order. And every natural gas  
2 pipeline company -- in fact, everybody I would say -- should  
3 read my dissent.

4           Lastly, E-3. You know, I'm concurring in the  
5 resolve in E-3, the resilience docket, but I am doing so  
6 because there is nothing legally infirm about the majority  
7 of the Commission choosing to close the discretionary  
8 docket. And I do so, even though I am quite sympathetic to  
9 Commissioner Chatterjee's anxieties about leaving this  
10 subject matter to the side.

11           It's worth keeping in mind a couple things about  
12 this. First, the Chairman, and really all the  
13 Commissioners, I think I speak for all of us when I say that  
14 none of us take our duties regarding reliability anything  
15 but soberly. But the Chairman himself has said, and the  
16 Order reflects this, that the subject matter is still one  
17 that the Commission is going to focus on.

18  
19           The only thing to say in response to Commissioner  
20 Chatterjee's impassioned and very reasonable arguments that  
21 the Commission should be doing concrete things with regard  
22 to the issues raised in this docket, I completely agree with  
23 that. The problem is, in his language here, for as long as  
24 I've been at the Commission, and has failed at any time to  
25 garner a majority support for any kind of actual action.



1 Part of that is because taking generic action on a subject  
2 that is this broad, that doesn't in itself boil down in  
3 itself to the inert type mandatory standards, has proven to  
4 be extraordinarily difficult. And I think it's unlikely  
5 that, even were this docket to remain live, that actual  
6 action would be taken on it.

7 Truth be told, this docket has caused trouble  
8 because we've always had it ping-pong around as a potential  
9 source for action on resilience issues, and instead what  
10 it's done I think is give false hope to people who have  
11 really wished that the action taken when a case by case  
12 basis is not just the more likely successful way of  
13 prosecuting these questions, but instead is the only one  
14 that is really feasible I think, given the experience we've  
15 had over the last few years.

16 But I want to reiterate the fact that, even though  
17 the docket is closing, just as we've heard already, it  
18 doesn't mean that any of these issues have been solved. And  
19 I agree with Commissioner Chatterjee, they haven't even been  
20 investigated or fully grappled with in a lot of cases. But  
21 certainly the events in California and Texas have  
22 demonstrated how imperiled our system can be when it's  
23 placed under strain.

24

25 I wrote a separate statement in this Order to

1 highlight one particular aspect of the proper operation of  
2 our electric system, which is the one that I've already  
3 called your attention with when I brought forth the 206  
4 against CAISO for the events last summer. And that is,  
5 systemic market failures that don't produce J&R rates, which  
6 is to say markets that fail to compensate the quantity and  
7 type of generation that have the inevitable effect of  
8 creating unstable systems when they're placed under stress.

9           And the other thing is, as other Commissioners  
10 have mentioned, we don't want to jump to conclusions. I've  
11 done quite a bit to try to chase down some hard numbers,  
12 which admittedly would only be preliminary at this point,  
13 and I found it extraordinarily difficult to get even the  
14 basics of the comparison, for example, of the total  
15 installed capacity of different types of generation versus  
16 the rates of outages. I know that preliminary reports seem  
17 to indicate that the outages were widespread in multiple  
18 categories, except of course for nuclear, but until we have  
19 those numbers we can't be sure. And when it becomes  
20 available, I am going to read it with interest.

21

22           The last thought is that when it comes to ERCOT  
23 and its separation from the rest of the country, it is my  
24 fervent hope that my colleagues will show the solicitude to  
25 Texas that they often seem willing to afford all of the

1 other states in pursuing their policy goals. I see no  
2 reason to change ERCOT's status unless Texas itself wants  
3 to.

4 I guess the very last word on this subject is the  
5 -- we are going to continue facing these widespread  
6 challenges in terms of both the technical and market aspects  
7 of this problem we're dealt with. And I for one intend to  
8 keep doing it. And we all, I think, share that goal  
9 together.

10 (Pause.)

11 Sorry, Mr. Chairman, one second.

12 Sorry about that. I apologize. I don't have any  
13 further points to make right now. I will turn it back to  
14 you, Mr. Chairman.

15 CHAIRMAN GLICK: Thanks, Commissioner Danly.  
16 Commissioner Clements.

17

18 COMMISSIONER CLEMENTS: Thank you, Chairman. I do  
19 want to congratulate you on your appointment. You have  
20 already taken several important issues into your own initial  
21 priorities, and you've made progress on them. I think a lot  
22 of them are critical to satisfactory implementation of our  
23 obligations, and so I am glad for that. And I look forward  
24 to working with you in this capacity.

25 I also want to say congratulations to Pamela and

1 Matt on your new positions as Acting Chief of Staff and  
2 General Counsel, and I'm looking forward to working with you  
3 in your new roles as well.

4           Congratulations to Jenn Gordon and to Cat  
5 Giljohann, as well, on their new roles in the Chairman's  
6 office. In my own office, I'm glad to announce that  
7 Ashanti Washington started this week as my confidential  
8 assistant. I'm thrilled to have her onboard. And I'm also  
9 grateful to have the help of Caroline Engle from the Office  
10 of Energy Policy and Innovation on detail this month.  
11 Caroline is very talented. She's fun to work with, and  
12 she's been a great help as part of our team. So I am sad to  
13 see her go, but know that OPI will be happy to have her  
14 back.

15           I agree with the Chairman and my fellow  
16 Commissioners that the appropriate focus right now is on  
17 restoring power to customers and getting communities out of  
18 danger, as they work to prevent the loss of life and harm in  
19 these extremely dangerous conditions. And I think we have  
20 had encouraging news on that front this morning, although  
21 there's more work to do.

22  
23           This has been a crisis for millions of customers,  
24 and a tragic loss of life for too many. Time and time again  
25 we are seeing the impacts of layered crises on the American

1 public. Despite the heroic effort of grid operators and  
2 first responders and local governments, days into the crisis  
3 people remain in the dark. They are cold, and they are  
4 without water.

5           Our critical infrastructure, in addition to the  
6 grid, roads, and water have taken a big hit. Once we  
7 weather the storm, the Commission should proceed to examine  
8 this event to understand its causes and avoid repeating it  
9 in the future.

10           On that front, I commend Chairman Glick for acting  
11 quickly to launch the joint inquiry into the operations of  
12 the bulk power system during these events alongside NERC.

13           Similar to my colleagues, I feel frustration.  
14 I've seen quite a lot of misinformation seeking to score  
15 political points from this outage in favor of certain  
16 generation types at the expense of others. Propagating such  
17 misinformation is irresponsible, and it is callous in light  
18 of the serious emergency situation we are facing.

19

20           Understanding and preventing the cause of the  
21 outages should be done in a thorough, deliberate fashion  
22 after we get the official data released. The causes of  
23 these outages are not fully understood, and it is prudent to  
24 wait until we have comprehensive data to shed light on the  
25 specific causes.

1           For now, we should continue to focus on the  
2 restoration of power. My thoughts and sympathy goes out to  
3 the families suffering from these emergency conditions.

4           As Commissioner Danly just said, we place the  
5 utmost importance on ensuring system reliability. As  
6 extreme weather events become more frequent, the challenges  
7 of safeguard and reliability will only become greater. I  
8 support comprehensive inquiries into what can be done to  
9 better our safeguard system reliability and resilience,  
10 recognizing the solutions may involve a combination of  
11 operations, planning, and market design measures.

12           Equally important will be ensuring follow-through  
13 on FERC jurisdictional recommendations.

14

15           This week's events occur almost exactly ten years  
16 after similar extreme winter weather caused blackouts in  
17 ERCOT -- the Chairman mentioned this -- which were initiated  
18 after more than 29,000 megawatts of generation that was  
19 committed in the day-ahead market were held in reserve,  
20 either tripped, derated, or failed to start. In responding  
21 to that event, the FERC/NERC staff report set forth an array  
22 of recommendations, including the winterization of units, as  
23 well as planning measures to better understand the  
24 temperature-related limits to equipment functioning and  
25 accounting for the risks of winter weather.

1           The report noted that, while rare, very severe  
2 winter storms have historically stressed the Southwestern  
3 electric grid. Indeed, the report reproduced verbatim  
4 recommendations that the Public Utility Commission of Texas  
5 had previously issued in response to a decades-earlier  
6 event, because the circumstances of the event and the causes  
7 of the outages are so similar.

8           Those recommendations included that all utilities  
9 incorporate lessons learned during the extreme weather  
10 conditions into the design of new facilities in order to  
11 ensure their reliability in extreme weather conditions, and  
12 directed utilities to implement procedures requiring a  
13 timely annual review of the needed equipment and procedures  
14 to ensure readiness for cold weather operation.

15  
16           This time, the Commission's joint inquiry with  
17 NERC should examine what weatherization and other winter  
18 preparedness steps were taken following the 2011 report;  
19 examine whether this event presents novel challenges not  
20 addressed by that report; and evaluate the extent to which  
21 prior recommendations were followed through on, why that was  
22 the case, and evaluate the appropriateness of those past  
23 recommendations and new potential solutions on a  
24 going-forward basis.

25           One legislator said, in responding to that 2011

1 event at the time, and I quote, "What I don't want is  
2 another storm and another report someone puts on the shelf  
3 for 21 years and nobody looks at it."

4 I strongly agree with that perspective. We must  
5 understand how, despite all this, this week's event  
6 occurred. We must ensure that the Commission's actions  
7 stimulate an appropriate response going forward. Beyond  
8 supporting the Commission's inquiry into the causes of this  
9 event, I intend to do my part in ensuring the prudent  
10 recommendations are implemented from the findings.

11

12 Moving on to the resilience docket, E-3, the  
13 related issues in this docket, the Chairman and Commissioner  
14 Chatterjee have described the long history of this docket.  
15 I want to thank Commissioner Christie for allowing me to  
16 sign onto his very well-written statement concurring with  
17 the decision in this docket. I'll let him speak to the  
18 specifics, but I agree with what's written there.

19 While I am fine closing out this specific docket,  
20 I want to emphasize much has been done, but this does not  
21 mean the work is done on resilience. Far from it.

22 As made clear by this extreme weather, as well as  
23 last year's heat wave in the Southwest, hurricanes in the  
24 Southeast, and countless before, there remains a lot of work  
25 to be done. The joint inquiry we have initiated with NERC



1 to examine the ongoing emergency in the Midwest and South is  
2 a first step. Once we have a complete picture, I will work  
3 with my colleagues to address the opportunities to improve  
4 reliability and resilience of the grid on a regional basis,  
5 and if there is a need for a specific new broader docket, we  
6 will take that on.

7 I commit right now that I will not drop the need  
8 to take action here. I will not deprioritize these issues,  
9 and I will not forget to remind my other Commissioners who I  
10 am sure are comfortable making the same commitment.

11

12 Changing gears, I'd like to commend the Chairman  
13 for his commitment to establishing an Office of Public  
14 Participation. And I am grateful to him for allowing me to  
15 have lead on this work. He mentioned that the office was --  
16 that the statute mandating establishment of the office was  
17 passed in 1978. This establishment is long overdue, and I  
18 am glad to be of help in getting the Commission back on  
19 track in this regard.

20 In working to establish this office, I intend to  
21 place priority on listening to stakeholders, and in  
22 particular reaching out to environmental justice and  
23 front-line communities that has traditionally lacked  
24 representation before FERC.

25 We all know that the business of the Commission

1 can be perceived as arcane. Whether it be around the table  
2 or in conversation with friends, mentioning FERC is a  
3 reliable way to cause eyes to glaze over. But as we've  
4 demonstrated, what we do has extremely important real-world  
5 consequences.

6  
7           Those of us who been thinking about establishing  
8 an office of proposed participation, you really start with  
9 the pipeline certification processes, for good reason. The  
10 Commission holds eminent domain authority that authorizes  
11 the taking of what is often an individual or a family's most  
12 important material possession. So if the last few days have  
13 shown us anything, it is that the issues within the  
14 Commission 's jurisdiction, appreciating that in this case,  
15 is its reliability jurisdiction and not more broadly in some  
16 of the regions with harm are broadly relevant to people's  
17 lives.

18           We have jurisdiction over the paramount issue of  
19 safeguarding system reliability. Further, energy bills are  
20 among the largest expenses for many American families. And  
21 the manner in which we regulate energy markets and do  
22 planning is intertwined ultimately with the health and  
23 safety of communities.

24           I believe that the Commission has much to learn  
25 from communities that are deeply affected by our actions.

1 To understand better than us, better than anyone, that the  
2 real world consequences -- excuse me, that the consequences  
3 of FERC's regulation are real.

4 A more inclusive decisionmaking process will lead  
5 to better, more credible, and more durable agency decisions.

6 A few words about process here. We have a limited  
7 period of time before our deadline for submitting a report  
8 on our plans to establish the Office back to Congress in  
9 June. We are working to solicit your input in advance of  
10 that time, as a start.

11

12 I am announcing that we will be holding a  
13 workshop, akin to a technical conference, on April 16th, so  
14 please mark your calendars for that date. We will be  
15 seeking nominations for speakers and panelists to  
16 participate in that workshop in the coming days.

17 We will also be soliciting written input by a  
18 comment period, and we will provide more details for that  
19 portion of the public input in the coming days, as well.  
20 Please sharpen your pencils and start thinking about what  
21 you want to say, now, so that you will have sufficient time.

22 I note that beyond these particular opportunities  
23 for input, we will seek ways to carry out an inclusive and  
24 transparent process. This is the start of the dialogue, and  
25 even after June there be ongoing opportunities for

1 engagement, so please do these steps as the initial part of  
2 the conversation.

3 I am also really glad that Chairman Glick  
4 announced the establishment of an environmental justice  
5 position within the Commission. It demonstrates his  
6 commitment to rebuilding trust with representatives from the  
7 environmental justice communities who have not had  
8 sufficient access to participation in FERC's jurisdictional  
9 processes historically.

10

11 Again switching gears, I am also glad that we are  
12 announcing that the Chairman has announced technical  
13 conferences on capacity market reform. I am issuing  
14 concurrences today that reiterate my disagreement with the  
15 broad application of the minimal offer price rule in New  
16 York ISO and in ISO New England.

17 I am troubled by how these rules are impeding  
18 state public policies and are increasing prices for -- and  
19 may increase prices for customers. I think it is  
20 appropriate, as the technical conference is doing, to frame  
21 the broad set of issues, but also to proceed sequentially  
22 with concrete sets of issues and potential solutions.

23 It is also appropriate to proceed in a regional  
24 fashion with regard to the minimum offer price rule, given  
25 the region's specific set of circumstances and natures of

1 the discussion. It is important for the Commission to  
2 address these issues in a timely fashion.

3 I am optimistic the stakeholders can come together  
4 to formulate their own effective solutions, but the  
5 Commission must be prepared to act if they do not.

6  
7 Specific to PJM, I am encouraged by their  
8 stakeholder proceedings on these questions. They are  
9 raising a broader set of issues and focusing on addressing  
10 them sequentially. PJM has appropriately focused on  
11 developing a near-term solution to bringing their capacity  
12 market into congruence with state policies.

13 With regard to their broader framing of the  
14 issues, I would like to offer a few thoughts. I urge PJM to  
15 more broadly consider whether modifications to energy and  
16 ancillary service markets may be appropriate. In order to  
17 ensure that these markets drive entry and exit decisions  
18 toward the set of resources needed to provide adequate  
19 reliability in the future, modifications to the energy and  
20 ancillary service market could allow those markets to play a  
21 great role in minimizing the import of capacity market  
22 issues going forward.

23 Similarly, in addressing over-procurement, I urge  
24 PJM to engage in an expansive examination of the issues.  
25 Beginning with engagement on narrow questions like the

1 choice of reference resource and cost-of-new-entry  
2 calculations, might miss the potential need for a broader  
3 reexamination of market design, including whether planning  
4 forecasted summer peak demand in the manner that PJM  
5 currently does, efficiently meets tomorrow's reliability  
6 challenges.

7

8 PJM appropriately seeks to develop a set of  
9 principles for crafting a solution. While what PJM has laid  
10 out thus far provides a good starting point, I urge any  
11 final set of principles to respect not only safe choices of  
12 resource mix, but also seeks choices with regards to  
13 procurement of clean energy attributes.

14 Competition brings many benefits to customers, and  
15 competition can take different forms. A centralized  
16 Commission supervised competitive process should only be  
17 offered as an option for states and should not be required  
18 or coerced.

19 And finally, I will peak to Item C-1, the  
20 Certificate Policy Statement. I disagree strongly that the  
21 Policy Statement does not need reform. I support this  
22 Notice of Inquiry because we need an updated record that  
23 will allow us to complete a long-overdue modernization on  
24 the certification of natural gas pipelines.

25 I am glad the Commission is issuing this inquiry,

1 and I appreciate the efforts made to get unanimous support  
2 on the issue on such an important topic. I welcome broad  
3 participation in the NOI so that we understand the views of  
4 all involved in and affected by the development of natural  
5 gas infrastructure.

6  
7 In particular, I encourage stakeholders to provide  
8 indepth practical how-to recommendations for assuring that  
9 our decisions are based on a complete analysis of the need  
10 for the proposed facilities on environmental justice  
11 concerns, and on the purchase of greenhouse gas emissions'  
12 impacts.

13 And so with that, thank you, Chairman. That's all  
14 I have for now.

15 CHAIRMAN GLICK: Commissioner Christie?

16 COMMISSIONER CHRISTIE: Okay, good morning, Mr.  
17 Chairman. Can you hear me?

18 CHAIRMAN GLICK: Yes, we can.

19 COMMISSIONER CHRISTIE: Okay. First I want to  
20 welcome you and congratulate you on becoming the Chairman,  
21 and welcome you to the new job. I look forward to your  
22 leadership and your collegiality. And I want to note that  
23 already we have seen your leadership in forging consensus on  
24 the C-1 item, which is the NOI.

25

1           I also want to thank you for the announcement on  
2 the tech conference on capacity markets and state policies.  
3 I said in my opening statement at my first meeting last  
4 month that I would like to see that issue tee'd up. It is  
5 not an easy issue, I can tell you that, but it does need to  
6 be tee'd up and start the process. And so I really thank  
7 you for going ahead and getting that started. In my  
8 concurrence to E-2, I restate again that we need to tee that  
9 issue up. So I am glad you have already done that.

10           I want to welcome Matt Christensen and Pam Quinlan  
11 to their new positions. Matt is the new General Counsel.  
12 Pam is the new Chief of Staff. I've already had occasion to  
13 work with them, and so I want to welcome them to their new  
14 positions and look forward to working with them on a  
15 continuing basis.

16           Let me mention a couple of items. I have three  
17 separate statements today. I mentioned E-2 already. That's  
18 a concurrence. Let me mention E-3, which is the resilience  
19 item. I want to welcome Allison Clements joining me in that  
20 concurrence. But let me say a couple of words about that.

21           First of all, I absolutely agree: the focus right  
22 now needs to be on restoring the power, particularly in  
23 Texas where there has been the widespread outages, and just  
24 the tragedies that result when you have widespread power  
25 outages on such a long time period. It just drives home the



1 importance of reliability and the importance of keeping the  
2 power on. Literally, people's lives depend on it.

3

4 Let me note, in E-3 why my concurrence on that. I  
5 am concurring on a purely procedural basis, not a  
6 substantive basis, by which I mean that the issues that are  
7 attendant to grid resilience and reliability that this  
8 particular proceeding raised are absolutely compelling. The  
9 events we are seeing just show once again how compelling  
10 they are. And the issues of resilience and reliability, you  
11 know, must command this Commission's future attention, and  
12 they will.

13 But procedurally, this matter has languished for  
14 more than three years with no action. So the unavoidable  
15 conclusion is that these issues need to be shifted to other  
16 procedural vehicles to make progress. And that is the basis  
17 on which I am concurring. But not on the substantive basis  
18 of putting the issue of resilience aside. That is not the  
19 case at all. I mean from a procedural standpoint, we need a  
20 different vehicle, a different forum to move forward on  
21 these issues.

22 As the outages this week in Texas, as well as the  
23 outages last summer in California graphically demonstrate,  
24 the challenges of ensuring a reliable supply of power are  
25 just as relevant and just as compelling as ever.

1

2           Most Americans expect power 24/7. That is their  
3 definition of reliability. That is their definition of  
4 resilience. You don't need to look very far. They want  
5 power 24/7, and they want it not just during good weather;  
6 they want it during bad weather. And that is the standard  
7 we need to try to meet. And obviously that standard hasn't  
8 been met. It wasn't met in California last summer, and it  
9 hasn't been met in the events of the last week.

10           And so while I agree with Commissioner Chatterjee  
11 that there are general issues that are attendant to  
12 resilience and reliability on a national level, and a  
13 transregional level, I also agree with the Order that each  
14 RTO and ISO in America is different. Each one has different  
15 challenges. And we need to force and make sure that the  
16 RTOs and ISO are addressing their own individual  
17 challenges. They are all a little bit different.

18           Commissioner Clements said a lot of things about  
19 the way PJM ought to run its capacity market a minute ago.  
20 Well, PJM has a capacity market; ERCOT does not have a  
21 capacity market. There are differences in each one of these  
22 RTOs and ISOs.

23

24           What we depend on at FERC to meet these challenges  
25 is the RTOs and the ISOs -- I want to note that ERCOT is not

1 regulated by FERC, so I do not want to step on any  
2 territorial turf there -- but the RTOs and the ISOs that we  
3 do regulate, they have to be willing to face and seek  
4 inconvenient truths, unwelcome truths about what is and is  
5 not feasible from an engineering standpoint, given the  
6 state of the technology. I mean, I know from 17 years in  
7 PJM, I was a straight regulator, 17 years in the PJM  
8 territory, PJM has been run in my experience over that 17  
9 years by very dedicated people who are trying very hard to  
10 keep the power going and provide a resilient and a reliable  
11 power system. And they have been largely successful.

12           But PJM, the people running PJM, and every other  
13 RTO -- CAISO, SPP, ERCOT -- they are all facing many, many  
14 pressures from many, many different directions. A lot of  
15 them are political pressures. They're facing political  
16 pressures from the politicians in the states that they  
17 cover. They're facing a lot of pressures from the special  
18 interest groups who want different things out of those RTOs.  
19 And so I know the pressures they're under, and the  
20 dedicated people just trying to keep the lights on and doing  
21 the right thing.

22

23           But what I would say to them is: We really need  
24 you, that each RTO and ISO, to put forthright, accurate,  
25 factual information out about what is going to work from an

1 engineering standpoint, and what is not going to work. And  
2 it is easy to pass political mandates with political targets  
3 with political target dates, but we need you -- from the  
4 politicians -- but the RTOs have got to tell us what's  
5 feasible and what's not feasible.

6           Now with regard to ERCOT, we need to avoid -- I  
7 agree with my colleagues -- we need to avoid drawing final  
8 conclusions about these events until all the studies have  
9 been done, and all the reports are available. But common  
10 sense tells us that what has been called the "clean energy  
11 transition" takes place, it has to be grounded in the  
12 scientific facts of electrical engineering and civics if  
13 Americans are going to get the reliable supply of power  
14 that they need at the least cost to them.

15           Finally, let me turn to one other item, and that  
16 is C-4, and that is an issue on which -- that is the  
17 Algonquin case, and I am dissenting in that. And  
18 Commissioner Danly asked for everyone to read his dissent,  
19 and I hope after you've read his maybe you will read mine,  
20 because I dissented as well, filed a separate dissent.

21           But I want to just note that I agree with  
22 Commissioner Chatterjee, the comments he made on the NOI  
23 about you can't let paralysis by analysis stop any further  
24 gas facilities in America. And that goes right to  
25 reliability, by the way.

1

2           But C-4 is exactly an example of that. It is  
3 reopening a case where a CPCN was issued four years ago.  
4 And you can say it's not reopening the CPCN, but it is  
5 clearly continuing to relitigate a case where the CPCN was  
6 issued by this Commission four years ago. Half a billion  
7 dollars was invested to build the facility. It is  
8 operating. And now it is going to be relitigated?

9           And this is exactly the kind of, I think, enabling  
10 of constant legal warfare aimed at one type of generating  
11 source -- one type of source, gas -- that this Commission  
12 should not be enabling. And that is what C-4 does.

13           And so on that basis, I am a dissenter on that.  
14 And all my statements will be posted on my home page later  
15 today, and you can read them.

16           And with that, Mr. Chairman, once again thank you  
17 for the leadership you've shown already thus far on issues  
18 like the C-1 item. Welcome to the Chairmanship, and I look  
19 forward to working with you and your staff, and you have my  
20 very best wishes and pledges of trying to work with you as  
21 much as we can. So thank you.

22           CHAIRMAN GLICK: Thank you, Commissioner Christie.

23           Madam Secretary, I think we are ready to go to the  
24 vote.

25

1           SECRETARY BOSE: Thank you, Mr. Chairman. Since  
2 the issuance of The Sunshine Act Notice on February 11th,  
3 2021, no items have been struck from this morning's agenda.  
4 Your Consent Agenda is as follows:

5           Electric Items: E-1, E-2, E-3, E-4, E-5, E-6,  
6 E-7, E-8, E-9, E-10, E-11, E-12, E-13, E-14, E-15, E-16,  
7 E-17,  
8 E-18, E-19, E-20, E-21, E-22, E-23, and E-24.

9           Gas Items: G-1, G-2 and G-3.

10          Hydro Items: H-1, H-2, H-3, H-4, and H-5.

11          Certificate Items: C-2, C-3, and C-4.

12          With regard to the following, Commissioner  
13 Christie is not participating in Item E-1. Also as to E-1,  
14 Commissioner Danly is dissenting with a separate statement.

15          As to E-2, Commissioner Clements is concurring  
16 with a separate statement; and Commissioner Christie is  
17 concurring with a separate statement.

18          As to E-3, Commissioner Chatterjee is dissenting  
19 with a separate statement; and Commissioner Danly is  
20 concurring with a separate statement; and Commissioners  
21 Christie and Clements are concurring with a joint separate  
22 statement.

23

24          As to E-5, Chairman Glick is concurring with a  
25 separate statement; and Commissioner Clements is concurring

1 with a separate statement.

2 As to E-6, Chairman Glick is concurring with a  
3 separate statement; and Commissioner Clements is concurring  
4 with a separate statement.

5 As to E-7, Chairman Glick is concurring with a  
6 separate statement; and Commissioner Clements is concurring  
7 with a separate statement.

8 As to E-20, Commissioner Danly is concurring with  
9 a separate statement.

10 As to E-24, Chairman Glick is concurring with a  
11 separate statement; and Commissioner Clements is concurring  
12 with a separate statement.

13 And as to C-4, Commissioner Danly is dissenting  
14 with a separate statement; and Commissioner Christie is  
15 dissenting with a separate statement.

16 We are now ready to vote on this morning's Consent  
17 Agenda. The vote begins with Commissioner Christie.

18  
19 COMMISSIONER CHRISTIE: Okay, Madam Secretary, let  
20 me note first that I am not participating in E-1, Echo-1.  
21 Let me note that I am concurring -- I have filed a separate  
22 statement concurring in E-2, Echo-2, and I'm joining with  
23 Commissioner Clements. We have a joint concurring statement  
24 in E-3, the resilience, E-3. And also I note my dissent in  
25 C-4, Charlie-4.

1           And having noted all those, I vote aye.

2           SECRETARY BOSE: Thank you, Commissioner Christie.  
3 Commissioner Clements?

4           COMMISSIONER CLEMENTS: Thank you, Secretary Bose.  
5 Noting my concurrence in E-2, E-5, E-6, E-7, and E-24, and  
6 my joint concurrence with Commissioner Christie in E-3, I  
7 vote aye.

8           SECRETARY BOSE: Thank you. Commissioner Danly.

9           COMMISSIONER DANLY: Noting my dissents in E-1 and  
10 C-4, and my concurrences in E-3 and E-20, I vote aye.

11          SECRETARY BOSE: Thank you, Commissioner Danly.  
12 Commissioner Chatterjee?

13          COMMISSIONER CHATTERJEE: Noting my dissent in  
14 Item E-3, I vote aye.

15          SECRETARY BOSE: Thank you. And Chairman Glick?

16          CHAIRMAN GLICK: Noting my concurrences in E-5,  
17 E-6, E-7, and E-24, I vote aye.

18

19          SECRETARY BOSE: Thank you, Mr. Chairman. We are  
20 now ready to move on to the Discussion and Presentation  
21 Items for this morning. We have only one, and that  
22 Presentation and Discussion Item is on C-1. Staff will be  
23 giving a presentation on the Certification of New Interstate  
24 Natural Gas Facilities. There will be a presentation by  
25 Brandon Cherry from the Office of Energy Projects. He is



1 accompanied by Thomas Chandler and Paige Espy from the  
2 Office of the General Counsel.

3 MR. CHERRY: Good morning, Mr. Chairman and  
4 Commissioners. Item C-1 is a draft Notice of Inquiry, or  
5 NOI, which seeks new information and additional stakeholder  
6 perspectives to help the Commission explore how it should  
7 revise its approach under its currently effective policy  
8 statement issued in 1999 on the Certification of New Natural  
9 Gas Transportation Facilities.

10 This policy statement guides the Commission to  
11 determine whether a proposed natural gas project is or will  
12 be required by the public convenience and necessity, and  
13 that standard is established in Section 7 of the Natural Gas  
14 Act.

15  
16 In April of 2018, the Commission issued an NOI  
17 seeking information and stakeholder perspectives to help the  
18 Commission explore whether, and if so how, it should revise  
19 its 1999 policy statement. In the 2018 NOI, we had an  
20 extensive background section discussing the creation of the  
21 policy statement, how the Commission's evaluations under the  
22 policy statement had evolved, and how changed circumstances  
23 since 1999 have invited review of the policy statement.

24 In response to the 2018 NOI, the Commission  
25 received more than 3,000 comments from diverse stakeholders.

1 The Commission has to date not taken any further action in  
2 this proceeding. We wanted to explain that there has been a  
3 range of changes since the Commission issued the 2018 NOI,  
4 including statutory and regulatory changes, issuance of new  
5 Executive Orders, and increased stakeholder interest in  
6 certain ties.

7 Accordingly, the Commission has provided the  
8 opportunity for stakeholders to refresh the record and  
9 provide updated information and additional viewpoints to  
10 help the Commission move forward in a reasoned manner.

11 The 2018 NOI identifies four general areas of  
12 examination that remain relevant to the Commission's  
13 consideration.

14

15 One, the reliance on precedent agreements to  
16 demonstrate need for a proposed project.

17 Two, the potential exercise of eminent domain and  
18 landowner interests.

19 Three, the Commission's evaluation of alternative  
20 and environmental effects under the National Environmental  
21 Policy Act and the Natural Gas Act.

22 And four, the efficiency and effectiveness of the  
23 Commission's certificate processes.

24 In C-1, the Commission seeks comments on several  
25 new questions in some of these areas that modify the ads of

1 the 2018 NOI. For example, C-1 includes new questions on  
2 how the Commission should analyze and consider the impacts  
3 of a proposed project's greenhouse gas emissions, and on how  
4 the Commission applicants submitted data proposed project's  
5 will have impacts on climate change.

6  
7           Additionally, C-1 identifies and poses new  
8 questions on broad issues of examination: the consideration  
9 of effects on environmental justice communities. The  
10 effects on environmental justice communities could encompass  
11 populations of color, communities of color, native  
12 communities, and low-income, rural, and urban communities  
13 who are exposed to a disproportionate burden of the negative  
14 human health and environmental impacts of pollution or other  
15 environmental hazards.

16           The NOI solicits comments on how the Commission  
17 identifies or addresses effects on these environmental  
18 justice communities, and on ways in which the Commission may  
19 mitigate those affects.

20           C-1 emphasizes that the Commission seeks to build  
21 upon the existing record and will consider the previously  
22 submitted comments in this proceeding.

23           The NOI strongly urges stakeholders to not  
24 resubmit previously filed comments which remain in the  
25 record. Additionally, the NOI requests that stakeholders

1 submit new or modified comments that clearly explain why the  
2 Commission should or should not take a specific course of  
3 action and, more importantly, provides recommendations for  
4 how the Commission could implement such changes.

5 Thank you. This concludes the presentation for  
6 C-1. We are happy to answer any questions.

7 CHAIRMAN GLICK: Thank you. And I want to thank  
8 the staff for the presentation, but even more so for their  
9 hard work in getting this Notice of Inquiry ready. I do  
10 have a couple of questions.

11

12 I want to start with the first one. You mentioned  
13 there has been a range of changes since the Commission  
14 issued the 2018 NOI, both regulatory and statutory. Would  
15 you elaborate on some of the changes related to landowners  
16 and environmental justice communities which this NOI looks  
17 to address?

18 MS. ESPY: Thank you for the question.

19 Following issuance of the 2018 NOI, the Commission  
20 has taken steps to protect landowner interests, including  
21 updating its web resources for landowners, and its notice  
22 documents like the notice of application to more clearly  
23 explain the Commission's role in considering applications  
24 for natural gas infrastructure, how and when interested  
25 entities can participate in Commission proceedings, and how

1 to resolve issues that may arise during construction.

2           The Commission also established a new landowner  
3 rehearing group which prioritizes landowner rehearing  
4 requests and targets the issued rehearing orders involving  
5 landowners issues within 30 days.

6           Recently Congress directed the Commission to  
7 develop a report detailing how it will establish and operate  
8 an Office of Public Participation, which could help  
9 facilitate landowner participation in Commission  
10 proceedings.

11

12           However, the Commission continues to receive  
13 comments on landowner interests. Applicants proposed use of  
14 eminent domain, and the Commission's use of conditional  
15 certificates.

16           As to environmental justice changes, since  
17 issuance of the 2018 NOI there has been increased  
18 stakeholder interests in the Commission's consideration of  
19 the impacts that natural gas projects may pose to  
20 environmental justice communities.

21           Executive Order 12-898, issued in 1994, encourages  
22 independent agencies to identify and address, as part of the  
23 NEPA review, disproportionately high adverse human health or  
24 environmental effects of their actions on minority and  
25 low-income populations.

1           On January 27th of this year, President Biden  
2   issued Executive Order 14-008 which builds on Executive  
3   Order 12-898, and in part directs federal agencies to  
4   further consider and address disproportionately high and  
5   adverse impacts on disadvantaged communities.

6  
7           CHAIRMAN GLICK: Thank you. I just had one other  
8   question. As you referenced, that section this time around  
9   has some questions regarding environmental justice and I am  
10  very enthused about that. Could you provide a little  
11  preview of some of the questions we are seeking stakeholder  
12  comment on?

13           MS. ESPY: Sure. The new questions on the  
14  Commission's consideration of effects on environmental  
15  justice communities wants feedback on how the Commission  
16  conducts its environmental justice analyses. Here's an  
17  example of some of the questions:

18           Should the Commission change how it identifies  
19  potentially affected environmental justice communities?

20           Are there concerns about the environmental justice  
21  community's participation in past proceedings?

22           What measures can the Commission take to ensure  
23  effective participation by environmental justice communities  
24  in the certificate review process?

25           Should the Commission change how it considers

1 population-specific factors that can amplify the experienced  
2 effect, such as ecological, visual, historical, cultural,  
3 economics, social, what health factors?

4           Should the Commission establish a method for  
5 evaluating mitigation for impacts on environmental justice  
6 communities?

7

8           Does the NGA, NEPA, or other federal statutes set  
9 forth specific remedies for the Commission to implement  
10 based on factual findings of environmental justice metrics  
11 or defined impacts?

12           CHAIRMAN GLICK: Thanks a lot. That was very  
13 helpful. I appreciate that. I just want a few comments on  
14 this particular docket. First of all, I wanted to pick up  
15 on the remarks made by both Commissioner Christie and  
16 Commissioner Danly about this particular docket. And I'm  
17 very pleased that we were able to figure out a way to get  
18 unanimity on this, so we have five votes on this particular  
19 docket. It is an important one.

20           I know different people have different views about  
21 where this should go, or whether it should even go forward  
22 at all. But I would very much appreciate the input of all  
23 of my colleagues, and I am glad that we were able to work  
24 together on it.

25           Commissioner Danly, that was very nice of you to

1 mention Matt Christensen as well as my staff. I wanted to  
2 also thank you for Carolyn and Kirsten for their great work,  
3 and the last-minute work on getting this done, and also Cat  
4 from my office. I really appreciate all of their efforts  
5 there.

6  
7           You know, to his great credit, Chairman McIntyre  
8 during his first meeting in December 2017 announced that the  
9 Commission was going to initiate a Notice of Inquiry  
10 proceeding to examine whether changes were necessary to the  
11 way the Commission addresses certain issues that arise  
12 during the natural gas pipeline certification process.

13           This proceeding attracted substantial interest.  
14 As staff points out, more than 3,000 different stakeholders  
15 submitted comments. But then the Commission didn't do  
16 anything with those comments. Given the time that has  
17 lapsed since they first received these comments, we thought  
18 it would be appropriate to allow interested parties, to the  
19 extent they have something new to add, the opportunity to  
20 update their comments.

21           In addition, we have added questions directing  
22 several new subjects. The Natural Gas Act requires this  
23 Commission to find that a proposed interstate pipeline is  
24 both needed and in the public interest before we issue the  
25 project a certificate of public convenience and necessity.



1           In my opinion, the Commission has sometimes failed  
2 to fulfill these responsibilities in the manner required by  
3 law. For instance, we need to ask ourselves whether sole  
4 reliance on precedent agreements is an active indicator of  
5 need, especially when those agreements are with an  
6 affiliated pipeline developer.

7  
8           In addition, we need to ensure that the Commission  
9 adequately considers all impacts of a project, both positive  
10 and negative, an opportunity for mitigating those adverse  
11 impacts before concluding whether the project is in the  
12 public interest.

13           After we have received the comments and have had  
14 an opportunity to review them, I hope to work with my  
15 colleagues to develop an approach to improve our certificate  
16 decisionmaking process.

17           And with that, I will turn it over to my  
18 colleagues to see if they have any questions or comments.  
19 We will start, again, with Commissioner Chatterjee.

20           COMMISSIONER CHATTERJEE: Thank you, Mr. Chairman.  
21 I also want to thank the team for their efforts on this  
22 order, this NOI, and the presentation. I don't have any  
23 questions, but again I would just like to point out a couple  
24 of things.

25           I have stated from the time that I became Chairman

1 in October of 2018 that my hope that something of this  
2 significance would have a full complement of five  
3 Commissioners to weigh in on. And, sadly, we only got to a  
4 full five at last month's meeting. And so I just want to  
5 make that point, that this didn't languish. I simply wanted  
6 to ensure that we had the benefit of the full five on this.

7

8 To that end, I look forward to working with my  
9 colleagues to see how we can move this forward in a sensible  
10 manner. I want to reiterate the points I made in my opening  
11 remarks, that this process for siting interstate natural gas  
12 pipelines could serve as a model as the Nation consider  
13 building out electric transmission infrastructure. And I  
14 want to stress that it's really important that we don't  
15 cripple the energy transition by making infrastructure, both  
16 pipeline and electric transmission infrastructure, too  
17 difficult to build by smothering it in red tape.

18 So I am hopeful to work with my colleagues on a  
19 constructive process moving forward. Seeing how these  
20 things do take time, I am not certain that we will complete  
21 this process b the time--with the remaining time that I have  
22 at the Commission, but this is something that is certain to  
23 get a lot of attention. And I imagine anyone nominated to  
24 succeed me will have to address questions from a majority of  
25 the United States Senate about whether they want to continue

1 our '99 process, or see a radical departure from that

2 And with that, I will turn it back to you, Mr.

3 Chairman.

4

5 CHAIRMAN GLICK: Thank you, Commissioner

6 Chatterjee. Commissioner Danly?

7 COMMISSIONER DANLY: I have nothing. Thank you.

8 CHAIRMAN GLICK: Commissioner Clements?

9 COMMISSIONER CLEMENTS: Thank you. Thanks to

10 Paige, and Brandon, and the team for the good work on this

11 NOI. I am enthusiastic to get ready to read all the

12 incoming. That's it for me.

13 CHAIRMAN GLICK: Commissioner Christie?

14 COMMISSIONER CHRISTIE: I'm just going to win out

15 on a 5-0 vote. Thank you, Mr. Chairman, for working to get

16 there, and we will see what comes in in the comments. Thank

17 you.

18 CHAIRMAN GLICK: Thank you.

19 Madam Secretary, I think we're ready to vote on

20 this.

21 SECRETARY BOSE: Thank you, Mr. Chairman. Thank

22 you. We are now ready to take a vote on this item. The

23 vote begins with Commissioner Christie.

24 COMMISSIONER CHRISTIE: Aye.

25 SECRETARY BOSE: Commissioner Clements.

1 COMMISSIONER CLEMENTS: Aye.

2 SECRETARY BOSE: Commissioner Danly.

3

4 COMMISSIONER DANLY: Aye.

5 SECRETARY BOSE: Commissioner Chatterjee.

6 COMMISSIONER CHATTERJEE: Aye.

7 SECRETARY BOSE: And Chairman Glick.

8 CHAIRMAN GLICK: Aye.

9 SECRETARY BOSE: Mr. Chairman, that is our last  
10 item for Discussion and Presentation this morning. Nothing  
11 further on the agenda.

12 CHAIRMAN GLICK: Thank you, Madam Secretary.

13 Before we conclude today, I wanted to present our  
14 Director of the Office of Enforcement, Larry Parkinson, with  
15 the Chairman's Executive Leadership Award. This award is  
16 given to career employees who have demonstrated the highest  
17 level of sustained performance, and recognized for the  
18 significant, tangible results that have had a major impact  
19 on supporting and achieving the Commission's goal of  
20 ensuring just and reasonable rates for the American people.

21 Larry, who will be retiring at the end of the  
22 month, joined Office of Enforcement in 2010 and was  
23 appointed to be the Office Director in 2015. Before joining  
24 the Commission, Larry held senior leadership roles with the  
25 FBI, Interior Department, U.S. Attorney's Office for D.C.,

1 and the Small Business Administration. Overall, he has more  
2 than 40 years of public service. That is pretty  
3 significant.

4 As I have said on multiple occasions, our  
5 colleagues working in the Office of Enforcement are the  
6 unsung heroes of this Commission. Much of what we try to do  
7 at FERC is dependent on the existence of competitive  
8 electric and natural gas markets. These markets must be  
9 truly competitive, and they must be free as much as  
10 possible from manipulation.

11 The Office of Enforcement is on the front lines  
12 every day guarding against market manipulation, and also  
13 ensuring that regulated entities comply with the applicable  
14 statutory and regulatory requirements of this Commission.

15 During Larry's tenure in the Office of  
16 Enforcement, \$763 million in civil penalties have been  
17 assessed. And almost \$400 million in disgorgement funds  
18 have been ordered or distributed to those harmed by market  
19 violations.

20  
21 Larry has led the Office of Enforcement with great  
22 distinction, sometimes during trying conditions. I am so  
23 thankful for the time he spent with my advisors and me  
24 getting us up to speed on some of the most important issues,  
25 and often very complex issues, that we have to deal with

1 that cross our desk on a daily basis. I know my colleagues  
2 feel the same way.

3 I want to wish Larry the best in his retirement,  
4 and thank him for his exemplary service. As soon as we are  
5 able to meet again in person, we will invite Larry back and  
6 celebrate this award.

7 Also, if I can, I just want to take just one  
8 second to mention two employees who actually Commissioner  
9 Chatterjee had already thanked, two of his people in this  
10 office, Lindsey Gentry and Jenn Gordon for their public  
11 service. Both Lindsey and Jenn recently moved to jobs in  
12 the private sector, as Commissioner Chatterjee just  
13 mentioned. Lindsey got started in Commissioner  
14 Chatterjee's office and subsequently planned to leave the  
15 Office of External Affairs where she did a great job. And  
16 Jenn served as Commissioner Chatterjee's confidential  
17 assistant, and was particularly helpful to each of the  
18 Commissioners during Commissioner Chatterjee's tenure as  
19 Chair.

20  
21 I just want to thank both Jenn and Lindsey for  
22 what they've done for us and wish them good luck with their  
23 new jobs.

24 Now I'd like to turn it over to my colleagues for  
25 any concluding statements that you may have. Let's begin

1 with Commissioner Chatterjee.

2

3 COMMISSIONER CHATTERJEE: Thank you, Mr. Chairman.

4 I just want to echo your remarks about my friend and  
5 colleague, Larry Parkinson. Larry has been a tremendous  
6 asset to me throughout my tenure at the Commission. I have  
7 appreciated his leadership, his demeanor, and his  
8 professionalism. His experience and expertise are  
9 unmatched. You notice that prior to serving at the  
10 Commission, he had been a Deputy Assistant Secretary, and  
11 had served as General Counsel at the FBI. I believe he was  
12 actually serving as General Counsel at the FBI on September  
13 11th, 2001. Beyond substantive conversations, I truly just  
14 enjoyed talking about all manner of things with Larry, and  
15 gaining the benefit of his wisdom and experience. Not only  
16 did he provide incredible insights about current and past  
17 activities of the Department of Justice, but Larry, being a  
18 former wrestler and student athlete, is also an avid sports  
19 fan. And unbeknownst to some, actually served on the NCAA  
20 committee on infractions. And we have had many  
21 conversations about the interesting things that he sees  
22 there.

23 Thankfully, my beloved friend and coach, John  
24 Califari, was never subject to such investigations, so Larry  
25 was able to give me the backgrounds on all of those who

1 failed to compete with Coach Cal, the methods that they used  
2 to try and catch up.

3 Larry, thank you for your service. Thank you for  
4 your friendship and guidance. I congratulate you on this  
5 award, and on your retirement, and hope to see you again in  
6 person, but also to maintain a relationship with you long  
7 past your tenure at the Commission is concluded. Thank you.

8 And with that, I will turn it back to you, Mr.  
9 Chairman.

10 CHAIRMAN GLICK: Commissioner Danly?

11 COMMISSIONER DANLY: I have no concluding  
12 comments. Thank you, Mr. Chairman.

13 CHAIRMAN GLICK: Commissioner Clements?  
14

15 COMMISSIONER CLEMENTS: Thanks, Mr. Chairman.  
16 Larry, congratulations. This is much deserved. I am only  
17 sad that we haven't had so long to work together. You've  
18 certainly built a world-class enforcement program, which I  
19 think is essential to assuring public confidence and  
20 integrity of the markets that we regulate. And I will miss  
21 you. I know you will be greatly missed across the agency.  
22 You have left behind a durable program, thanks to your  
23 talented team, and really across the board each person I  
24 have engaged with in OE is impressive. And that is a true  
25 sign of the leadership.



1           So thank you for your 40 years of public service,  
2 and I am just impressed and in awe, and I wish you really  
3 well. Best wishes in your retirement.

4           Thank you, Mr. Chairman.

5           CHAIRMAN GLICK: Commissioner Christie?

6           COMMISSIONER CHRISTIE: Yes, I'm here. I will  
7 just congratulate Larry, as well. I've been here a few  
8 weeks less than Commissioner Clements, and I will say the  
9 same thing. We both had the benefit of having a briefing  
10 last September, I think it was, from all the division heads.  
11 And, Larry, I remember yours. It was great and very  
12 informative.

13

14           And so I just wish you the best, after a long and  
15 distinguished career in government service. So  
16 congratulations, and enjoy the retirement. And I loved that  
17 conversation about the Orson fractions, and I think I know  
18 why Neil Calapari -- John Calapari would come under your  
19 purview. But I really appreciate everything you've done and  
20 congratulate you, and best wishes for the retirement.

21           CHAIRMAN GLICK: Thanks, Commissioner Christie.

22           With that, I think we can adjourn this meeting.  
23 Please stay safe out there.

24           (Whereupon at 12:15 p.m., February 18, 2021, the  
25 open meeting of the Commissioners of the Federal Energy

1 Regulatory Commission was adjourned.)

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CERTIFICATE OF OFFICIAL REPORTER

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

Name of Proceeding:  
1075th Commission Meeting

Docket No.:  
Place: Washington, DC  
Date: Thursday, February 18, 2021

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

Larry Flowers  
Official Reporter