UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

The Office of Public Participation Docket No. AD21-9-000

SUPPLEMENTAL NOTICE OF WORKSHOP

(April 5, 2021)

As announced in the Notice of Workshop issued in the above-referenced proceeding on February 22, 2021, the Federal Energy Regulatory Commission (Commission) will convene a Commissioner-led workshop on Friday, April 16, 2021, from approximately 9:00 a.m. to 5:00 p.m. ET. The workshop will be held electronically. The purpose of this workshop is to provide interested parties with the opportunity to provide input to the Commission on the creation of the Office of Public Participation (OPP).

In December 2020, Congress directed the Commission to provide a report, by June 25, 2021, detailing its progress towards establishing the OPP. Section 319 of the Federal Power Act directs the Commission to establish the OPP to "coordinate assistance to the public with respect to authorities exercised by the Commission," including assistance to those seeking to intervene in Commission proceedings. (16 U.S.C. § 825q–1).

The agenda for the workshop is attached. The workshop will be open for the public to attend electronically and there is no fee for attendance. Information on the workshop will be posted on the Calendar of Events and the OPP Workshop on the Commission's website, www.ferc.gov, prior to the event. The conference will be transcribed.

The workshop will be accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to accessibility@ferc.gov or call toll free 1-866-208-3372 (voice) or 202-208-8659 (TTY), or send a fax to 202-208-2106 with the required accommodations.

For more information about this workshop, please contact Stacey Steep of the Office of General Counsel at (202) 502-8148, or send an email to OPPWorkshop@ferc.gov. For logistical issues, contact Sarah McKinley, (202) 502-8368, sarah.mckinley@ferc.gov.

Kimberly D. Bose,
Secretary.

Workshop on the Creation of the Office of Public Participation

Docket No. AD21-9-000
April 16, 2021

Agenda

9:00 am – 9:30 am ET: **Opening Remarks**

9:30 am – 10:45 am ET: **Panel 1: Affected Communities (1 hr and 15 min)**

The Commission will hear directly from members of the public who may be served by the Office of Public Participation (OPP). This panel seeks to understand how members of the public have been affected by the Commission's procedures and how the OPP can engage with the public to navigate Commission proceedings. Panelists include participants in Commission natural gas, liquified natural gas, and hydroelectric infrastructure proceedings, as well as energy users and consumer advocates. This panel may include a discussion of the following topics and questions:

1. How should the OPP coordinate assistance to persons intervening or participating, or seeking to intervene or participate, in a Commission proceeding?
2. What has hindered or helped your ability to participate before the Commission?
3. Have you engaged with other governmental entities—such as local, state, and other federal agencies—on matters involving your interests? If so, how did those agencies engage in outreach, and what practices improved your ability to participate in their processes?
4. What information would be helpful for navigating Commission proceedings?
5. How can the Commission better serve those affected by infrastructure development?
6. What types of concerns are important to different subsets of energy consumers?
7. What challenges do energy consumers face when participating in government proceedings?

Panelists:

- Deb Evans and Ron Schaaf, Affected Landowners, Pacific Connector Gas Pipeline

- Rebekah Hinojosa, Gulf Coast Campaign Representative, Sierra Club
- Crystal Cavalier, Founder and President, 7Directions of Service
- Lois Sweet Dorman, Snoqualmie Tribal Elder, Snoqualmie Falls Spokesperson, Snoqualmie Indian Tribe
- Michelle Martinez, Acting Executive Director, Michigan Environmental Justice Coalition
- Susanne DesRoches, Deputy Director, Infrastructure and Energy, New York City Office of Resiliency, New York City Office of Sustainability
- John Howat, Senior Policy Analyst, National Consumer Law Center
- Kin Gee, President, CHARGE—Consumers Helping Affect Regulation of Gas & Electric

10:45 am – 10:55 am ET: **Break**

10:55 am – 12:10 pm ET: **Panel 2: The Office of Public Participation's Structure and Functions (1 hr and 15 min)**

Congress directed the Commission in section 319 of the Federal Power Act (FPA) to establish the OPP to "coordinate assistance to the public with respect to authorities exercised by the Commission," including assistance to those seeking to intervene in Commission proceedings. (16 U.S.C. § 825q–1). This panel will explore how the OPP should be structured and how it should function to meet this requirement. This panel may include a discussion of the following topics and questions:

1. What should be the OPP's main functions?
2. Section 319 of the FPA states that the OPP will be administered by a Director. (16 U.S.C. § 825q–1(a)(2)(A)). In addition to the Director, how should the office be structured? What specific staffing and budgetary needs do you envision for the office?
3. Should the Commission consider creating an advisory board for the OPP? If so, what role would the board serve and who should be on the board?
4. How can the OPP work with the Commission to assist the public, while observing the Commission's ex parte requirements?
5. How can the Commission build equity into the structure and development of the OPP?
6. What safeguards should the Commission put in place to ensure the OPP remains neutral and responsive to the public?

Panelists:

- Tyson Slocum, Director, Energy & Climate Program, Public Citizen
- Kerene Tayloe, Director of Federal Legislative Affairs WE ACT for Environmental Justice
- Marty Rozelle, President, The Rozelle Group

- David Springe, Executive Director, National Association of State Utility Consumer Advocates
- Olivia Nedd, Policy Director, Access & Equity Program, Vote Solar

12:10 pm – 1:10 pm ET: **Lunch**

1:10 pm – 1:55 pm ET: **Panel 3: Energy and Environmental Justice (45 min)**

This panel will discuss how the Commission can best promote equity in its procedures and decision-making, and build equity-centered engagement efforts within the OPP. This panel may include a discussion of the following topics and questions:

1. How can the OPP work across the Commission to ensure that Commission proceedings consistently provide sufficient opportunities for public participation?
2. How can the Commission build equity into the structure and development of the OPP? Specifically, how can the OPP assist in efforts to ensure environmental justice during Commission proceedings?
3. How can equity assessment tools be used to prevent, reduce, and eliminate racial discrimination and inequities during Commission proceedings?
4. What steps can the OPP take to effectively reach out to vulnerable communities to ensure that their concerns are taken into consideration?
5. Should the Commission consider creating an advisory board for the OPP? If so, what role would the board serve and who should be on the board?

Panelists:

- Shalanda H. Baker, Deputy Director for Energy Justice, U.S. Department of Energy
- Matthew Tejada, Director, Office of Environmental Justice, U.S. Environmental Protection Agency
- Jacqueline Patterson, Director, Environmental and Climate Justice Program, NAACP

1:55 – 3:10 pm ET: **Panel 4: Coordinating Public Assistance (1 hour and 15 min)**

Congress directed the OPP to coordinate assistance to the public with respect to authorities exercised by the Commission. This panel will explore how the OPP can facilitate greater understanding of Commission processes through public engagement and education. This panel will also consider how the OPP can coordinate public requests for assistance from persons seeking to intervene or participate in proceedings before the Commission and provide detailed guidance and support. This panel may include a

discussion of the following topics and questions:

1. How should the OPP coordinate assistance to persons intervening or participating, or seeking to intervene or participate, in a Commission proceeding?
2. What public engagement practices should the OPP perform?
3. How can the OPP assist Tribal Governments in participating in Commission proceedings?
4. How can the OPP communicate complex energy topics and assist in making energy terms and regulations easier to understand?
5. How can the Commission build equity into the structure and development of the OPP? Specifically, how can the OPP assist in efforts to ensure environmental equity during Commission proceedings?
6. What steps can OPP take to effectively reach out to vulnerable communities to ensure that their concerns are taken into consideration?

Panelists:

- Dr. Susan Tierney, Senior Advisor, Analysis Group
- Dr. Shelly Welton, Associate Professor, University of South Carolina School of Law
- Rebecca Tepper, Chief, Energy and Environment Bureau, Office of the Massachusetts Attorney General
- Chandra Farley, Just Energy Director, Partnership for Southern Equity
- Maranda Compton, Partner at Van Ness Feldman and VNF Solutions
- Kyle Stephens, Vice President, Regulatory Affairs for Boardwalk Pipelines, LP, on behalf of the Interstate Natural Gas Association of America
- Megan Gibson, Senior Staff Attorney, Niskanen Center

3:10 pm – 3:25 pm ET: **Break**

3:25 pm – 4:40 pm ET: **Panel 5: Intervenor Funding (1 hour and 15 min)**

Section 319 of the FPA allows the Commission to promulgate rules to offer compensation for attorney fees and other expenses to intervenors and participants who substantially contribute to a significant Commission proceeding if participation otherwise would result in significant financial hardship. (16 U.S.C. § 825q–1(b)(2)). This panel will explore how the Commission should approach the issue of intervenor compensation and what OPP's role should be with respect to intervenor compensation. This panel may include a discussion of the following topics and questions:

- What role should the OPP play in facilitating intervenor funding requests and ensuring that stakeholders understand how such requests will be processed? Should the Commission delegate any of its intervenor funding functions to the

OPP?

- How should the Commission establish a budget for intervenor compensation?
- What can the Commission learn from the administration of existing intervenor compensation programs?
- What type of showing should be made regarding substantial contribution to the proceeding, significant financial hardship, fees and costs incurred, etc.? How should this information be evaluated to determine whether compensation is warranted?

Panelists:

- Sharon Jacobs, Associate Professor of Law, John H. Schultz Energy and Natural Resources Law Fellow, University of Colorado Law School
- Michelle Cook, Assistant Chief Administrative Law Judge, California Public Utilities Commission
- Jenna Schmidt, Chief Financial Officer, Public Service Commission of Wisconsin
- Paul Isely, Interim Chair, Utility Participation Board, State of Michigan
- Mark Toney, Executive Director, TURN–The Utility Reform Network

4:40 pm – 5:00 pm ET: **Closing remarks**