

S. HRG. 118-326

CHANG, ROSNER, AND SEE NOMINATIONS

HEARING BEFORE THE COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE ONE HUNDRED EIGHTEENTH CONGRESS SECOND SESSION

TO

CONSIDER THE NOMINATIONS OF JUDY W. CHANG TO BE A MEMBER
OF THE FEDERAL ENERGY REGULATORY COMMISSION, DAVID
ROSNER TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY
COMMISSION, AND LINDSAY S. SEE TO BE A MEMBER OF THE FED-
ERAL ENERGY REGULATORY COMMISSION

MARCH 21, 2024



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CHANG, ROSNER, AND SEE NOMINATIONS

THURSDAY, MARCH 21, 2024

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The Committee met, pursuant to notice, at 10:00 a.m. in Room SD-366, Dirksen Senate Office Building, Hon. Joe Manchin III, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. JOE MANCHIN III, U.S. SENATOR FROM WEST VIRGINIA

The CHAIRMAN. The Committee will come to order.

We meet today to consider three pending nominations for the Federal Energy Regulatory Commission. The three nominees are Judy Chang, David Rosner, and Lindsay See. We welcome all three nominees and thank each of them for being here this morning and for their willingness to serve on the Commission. We also welcome their family members who are able to join us this morning, and I encourage you to introduce them when your time comes to give your opening remarks.

The work of the Federal Energy Regulatory Commission—FERC, as we know it—is enormously important for our country. The Commission’s job is to ensure the “orderly development of plentiful supplies of electricity and natural gas at reasonable prices.” It enables us to keep the lights on, protects the American people from excessive gas and electric rates, and it protects the public interest. The job calls for people who can fairly assess the needs and concerns of all interests affected by our energy policies and apply the law. Today we are here to assess the experience and qualifications of the three nominees before us for this important job.

First, we have Ms. Judy Chang. Ms. Chang has more than 20 years of experience working with energy companies, trade associations, and governments on energy regulatory and financial issues. She previously served as the Under Secretary of Energy in Climate Solutions under Massachusetts Governor Charles Baker, a friend of mine and a Republican. She helped develop Massachusetts’ clean energy and climate plan. She has been nominated for the term beginning in July 2024.

Next, we have David Rosner. David has been employed by the Commission as an Energy Industry Analyst for the past seven years. He has been on detail to the Democratic staff of this Committee for the past two years, where he has worked with both sides on electricity issues. Prior to that, he worked at the Department of Energy and at the Bipartisan Policy Center, with almost 20 years

total in these various capacities. He has been nominated to fill the remainder of the term that began in July 2022.

Our third and final nominee is Lindsay See. Lindsay is currently West Virginia's Solicitor General, a post she has held for the past six years. In that role, she has represented my state's legal interests in both state and federal courts, including the U.S. Supreme Court. Prior to that, she practiced appellate and administrative law at a firm in Washington, DC after graduating from Harvard Law School. She has been nominated to fill the remainder of the term that began in July 2023.

The President has done his job in sending us three nominations to fully staff the Commission. Now it's up to us to weigh their qualifications for confirmation. I congratulate all three of you and thank you for your willingness to serve our country in this important role.

At this point, I am going to recognize Senator Barrasso for his opening statement.

**OPENING STATEMENT OF HON. JOHN BARRASSO,
U.S. SENATOR FROM WYOMING**

Senator BARRASSO. Well, thanks so much, Mr. Chairman. Thanks for holding today's hearing, and we are going to consider the three nominees, as you mentioned, to serve on the Federal Energy Regulatory Commission. Ms. Lindsay See, and did you say from West Virginia?

The CHAIRMAN. West Virginia.

Senator BARRASSO. I wanted to make sure. David Rosner, as well, and Judy Chang, and welcome all——

The CHAIRMAN. I don't know how that happened.

Senator BARRASSO. I welcome all of you to the Committee.

Ms. See is an outstanding appellate lawyer. She has spent the last seven years as Solicitor General of the Chairman's home State of West Virginia, and during that time, she has overseen civil and criminal appeals in both the state and the federal courts. Ms. See has fought tirelessly for affordable and reliable energy for all American families. She has argued cases before the U.S. Supreme Court. In one of those cases, she not only advocated on behalf of West Virginia, she also advocated on behalf of my home State of Wyoming, and she won! From a young age, she has distinguished herself as a person of exemplary discipline, drive, and determination. Ms. See graduated summa cum laude from Patrick Henry College, then graduated magna cum laude from Harvard Law School, where she served as Executive Editor of the Harvard Law Review. Quite impressive. After law school, she clerked for Judge Thomas Griffith of the U.S. Court of Appeals for the District of Columbia. If confirmed, Ms. See will bring her impressive experience working with complex statutes to the Commission. Ms. See is well positioned to ensure that the Commission faithfully adheres to its statutory mandate.

Mr. Rosner is a familiar face. He knows the FERC's responsibilities firsthand. Since 2017, he has worked as an energy industry analyst at the Commission. Over the last two years, he has served as the Commission's detailee to the majority staff here. During that time, Mr. Rosner has represented Chairman Manchin and worked

constructively with my staff as well. If confirmed, he will no longer represent anyone but himself. For that reason, I look forward to learning more today about his personal views on the very specific issues.

Ms. Chang is a self-described advocate of what she calls the “clean energy transition.” Between 2020 and 2023, she developed energy and climate policies for the Commonwealth of Massachusetts. I remind the Committee, this is the state that consumes twice as much electricity as it produces. It’s a state that benefits from the resolve of other states and other countries to produce the energy that Massachusetts needs and uses. And it’s a state where residents pay among the highest electricity and natural gas prices in the nation. In 2023, households in Massachusetts paid 84 percent more than the national average for a kilowatt-hour of electricity. They paid 40 percent more than the national average for a cubic foot of natural gas. Massachusetts has the third highest prices in the nation for both electricity and natural gas, and consumers feel the high prices.

On the basis of her previous statements, I am concerned that Ms. Chang has paid far too little attention to these facts. In 2016, she said that the “current low price of natural gas sends the wrong signal to achieve the objectives of Massachusetts’ policy.” The policy she was referring to was the state’s radical climate agenda. In 2018, Ms. Chang was asked, “Does it make sense to build more gas pipelines or gas plants?” She responded by saying, “to me, it doesn’t make sense.” Well, natural gas is critical for the reliability of electric service in this country. New England faces this reality each and every winter. The efforts of Massachusetts to block natural gas pipelines not only means higher prices for its residents, it means that Massachusetts has had to import liquefied natural gas from overseas—including, in the past, LNG from Russia—just to keep homes warm and the lights on. Under the law, FERC is responsible for ensuring the development of abundant supplies of natural gas at reasonable prices. Ms. Chang, in the past, has advocated for the direct opposite, and for that reason, I think the burden is on the nominee to explain why we should support her nomination. The last thing the FERC needs is someone eager to impose the failed policies of Massachusetts upon the rest of our nation.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

And if the three of you will stand now. The rules of the Committee require that nominees be sworn in in connection with their testimony. Please stand and raise your right hand. Do you solemnly swear that the testimony you are about to give to the Senate Committee on Energy and Natural Resources shall be the truth, the whole truth, and nothing but the truth, so help you God.

[Each witnesses responds in the affirmative.]

The CHAIRMAN. Please be seated.

Before you begin your statements, I will ask three questions addressed to each nominee before this Committee.

Will you be available to appear before the Committee and other Congressional committees to represent departmental positions and respond to issues of concern to the Congress?

Mr. ROSNER. Yes.

Ms. CHANG. Yes.

Ms. SEE. Yes.

The CHAIRMAN. Are you aware of any potential holdings, investments, or interests that could constitute a conflict of interest or create the appearance of such a conflict should you be confirmed and assume the office to which you have been nominated by the President?

Ms. SEE. No.

Mr. ROSNER. No.

Ms. CHANG. I will take the appropriate actions based on the recommendations of the Ethics Counselor appropriate to avoid any conflict of interest, sir.

The CHAIRMAN. Are you involved or do you have any assets held in a blind trust?

Ms. CHANG. No.

Mr. ROSNER. No.

Ms. SEE. No.

The CHAIRMAN. Thank you.

Before we begin the statements, let me ask each of the nominees to introduce any members of your family or friends who are with you this morning.

I will begin with you, Ms. Chang.

Ms. CHANG. Sure, thank you. Thank you very much.

With me are my husband, James MacNeil, and Tara MacNeil, and I am very grateful for them to be here.

The CHAIRMAN. Mr. Rosner.

Mr. ROSNER. Thank you, sir.

I am joined by my wife, Jasmine, who is sitting behind me.

The CHAIRMAN. Great to have you all here.

Ms. See.

Ms. SEE. Thank you, Chairman.

I am joined by my parents, Robert and Kathleen See. My siblings are here, and my three-month-old niece, Eliza, who took her first flight ever to be here, as well as a number of—

The CHAIRMAN. I think we just heard her.

Ms. SEE. We did.

[Laughter.]

The CHAIRMAN. Well, thank you, all of you. You all should be extremely proud to be nominated and be asked to serve at a high level.

With that, we are going to statements from each of our nominees, and Ms. Chang, we will start with you.

STATEMENT OF JUDY W. CHANG, NOMINATED TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION

Ms. CHANG. Thank you. Chairman Manchin, Ranking Member Barrasso, and distinguished members of the Senate Energy and Natural Resources Committee, I am honored to be here today as a nominee to serve as a Commissioner on the Federal Energy Regulatory Commission. I would like to thank President Biden for nominating me, and I thank Chairman Manchin and Ranking Member Barrasso for holding this hearing. I am grateful to appear today with my fellow nominees, Mr. Rosner and Ms. See, whom I have had the great pleasure to get to know a bit over the last few

weeks, and I hope we get an opportunity to work collaboratively together in the future. I also want to thank my husband, who has been supporting me for many, many years and my daughter, Tara, who is here today. My other daughter will be joining virtually.

My approach to energy policy and energy issues is shaped by personal background. I spent my formative years in Taiwan and the Philippines before moving to California to finish high school and attend university. Having grown up in developing countries, I have experienced, firsthand, power outages as a daily event. Candlelit dinners were not just for the romantics, they were necessary to see what you were eating. From a very young age, my parents instilled in me the principle that no resource shall ever be wasted, working hard to save every penny. To this day, I am always turning the lights off behind my children as they leave the room and urging them to wear a sweater through the late fall in New England before finally turning on the heat.

I earned my undergraduate degree in electrical engineering from University of California, Davis. From early on, I wanted to work on improving infrastructure around the world, particularly understanding, having experienced what a lack of infrastructure means for peoples' daily lives. After obtaining my master's degree in public policy, I started working in finance and economic consulting in the energy sector. Much of that work has been technical in nature, applying my background in engineering and economics to analyze issues within the energy sector, including wholesale electricity market design and infrastructure planning and development. In that capacity, I had advised a broad spectrum of energy companies, including various investor-owned utilities, public power cooperative utilities, and independent power producers. That experience allowed me to work on diverse energy issues across the U.S., covering many states, and gave me an appreciation of the significant regional differences in how people produce and consume energy in this country.

In 2020, I had the distinct privilege to join the then-Massachusetts Governor Charlie Baker's administration. In that role, I learned a tremendous amount working with my colleagues and stakeholders across the region. I led the six New England states in developing a consensus vision for long-term power system planning that included working with the New England independent system operator to initiate a forward-looking and long-term transmission planning process to promote the reliability and resilience of the electricity grid at a cost customers can afford. With my experience in private sector and state government, I have a deep appreciation for the foundational importance of ensuring the reliability and the affordability of energy systems. These imperatives are front and center in every utility executive and government leader's mind and they are prerequisites for a robust economy and the continuation of the energy transition in which the country finds itself today.

The Federal Energy Regulatory Commission is an independent regulatory agency that plays a crucial role in ensuring both reliability and affordability. Its broad jurisdiction includes the regulation of rates for wholesale sales and transmission of electricity and the interstate transmission of natural gas as well as siting authority for things like interstate natural gas pipelines, liquefied natural

gas export facilities, and hydroelectric facilities. Should I have the privilege of being confirmed, I commit to keeping both reliability and affordability at the forefront of my mind as I rigorously and independently examine the particular facts and circumstances in every proceeding that comes before the Commission.

Thank you for the opportunity to testify before you today.

[The prepared statement of Ms. Chang follows:]

Written Testimony of Judy W. Chang
Nominee to the Federal Energy Regulatory Commission
before the
Energy and Natural Resources Committee
United States Senate
March 21, 2024

Chairman Manchin, Ranking Member Barrasso, and distinguished members of the Senate Energy and Natural Resources Committee, I'm honored to be here today as a nominee to serve as a commissioner on the Federal Energy Regulatory Commission. I would like to thank President Biden for nominating me, and I thank Chairman Manchin and Ranking Member Barrasso for holding this hearing.

I'm grateful to appear today with my fellow nominees, Mr. Rosner and Ms. See, whom I've had the great pleasure to get to know a bit over the last few weeks and I hope we get the opportunity to work collaboratively together in the future. I also want to thank my dear husband, James MacNeil, and my daughter, Tara, who are here today in the committee hearing room. My other daughter, Sophia cannot miss her class today, so she is joining virtually.

My approach to energy issues is shaped by personal background. Due to my father's career with the foreign service of Taiwan, I spent my formative years in Taiwan and the Philippines before moving to California to finish high school and attend university. Having grown up in developing countries (Taiwan was a developing country back then), I have experienced firsthand power outages as a daily event. Candlelit dinners were not just for the romantics; they were a necessity. From a young age, my parents instilled in me the principle that no resource should ever be wasted, working hard to save every penny so that my brother and I could have the opportunity of obtaining a good education in the U.S. To this day, I am always turning the lights off behind my kids as they leave the room and urging them to wear a sweater through late fall in New England before finally turning on the heat.

I earned my undergraduate degree in electrical engineering and computer science from University of California, Davis. From early on, I wanted to work on improving infrastructure around the world, particularly having experienced what a lack of infrastructure means for peoples' daily lives. After obtaining my master's degree in public policy from the Harvard Kennedy School, I started working in finance and economic consulting in the energy sector. Much of that work has been technical in nature, applying my background in electrical engineering and

economics to analyze issues within the energy sector, including wholesale electricity market design and infrastructure planning and development. In that capacity, I advised a broad spectrum of energy companies, including various investor-owned utilities, public power and cooperative utilities, and independent power producers. That experience allowed me to work on diverse energy issues across the United States, covering many western, midwestern, and southern states, and gave me an appreciation of the significant regional differences in how people produce and consume energy in this country.

In 2020, I had the distinct privilege of joining then-Massachusetts Governor Charlie Baker's administration. Serving under Governor Baker was a great honor and I learned a tremendous amount working with my colleagues and stakeholders across the region. At the outset of my tenure, I led the six New England states in developing a consensus vision for long-term power system planning. That included working with the New England independent system operator to initiate a forward-looking, long-term transmission planning process to promote the reliability and resilience of the electricity grid at a cost customers can afford.

In that vein, and drawing on my personal background, my experience in the private sector, and my tenure in state government, I have a deep appreciation for the foundational importance of ensuring the reliability and affordability of energy system. Those twin imperatives are, for good reason, front and center in every utility executive and government leader's mind. And they are prerequisites for a robust economy and the continuation of the energy transition in which the country finds itself today.

The Federal Energy Regulatory Commission is an *independent* regulatory agency that plays a crucial role in ensuring both reliability and affordability. Its broad jurisdiction includes the regulation of rates for the wholesale sale and transmission of electricity and the interstate transmission of natural gas as well as siting authority for critical energy infrastructure, such as interstate natural gas pipelines, liquefied natural gas export facilities, and hydroelectric generation facilities. Should I have the privilege of being confirmed, I commit to keeping both reliability and affordability at the forefront of my mind as I rigorously—and independently—examine the particular facts and circumstances in every proceeding that comes before the Commission.

Thank you for the opportunity to testify before you today. I welcome any questions you may have.

The CHAIRMAN. Thank you, Ms. Chang.
Mr. Rosner, please.

STATEMENT OF DAVID ROSNER, NOMINATED TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION

Mr. ROSNER. Chairman Manchin, Ranking Member Barrasso, and members of the Committee, thank you for the opportunity to appear before you this morning as a nominee to serve on the Federal Energy Regulatory Commission. I am humbled to be considered for this opportunity to serve my country. I would like to thank President Biden for nominating me and for his confidence in my ability to serve as a Commissioner. I want to thank Chairman Manchin for the opportunity to contribute to the work of this Committee as a detailee over the last 18 months, and I especially want to thank my wife Jasmine for her steadfast support for my career in public service, and to our children, Olive and Quinn, for motivating me to pursue the greater good for our country.

For the past 17 years, I have enjoyed working on energy policy, both from within and outside the Federal Government, which has given me the opportunity to develop relevant expertise across economic, technological, and regulatory domains. Throughout my career, I have worked across ideological lines to build consensus on difficult energy issues, first as a member of the staff that launched the Bipartisan Policy Center, then by supporting Secretary Moniz and his team at the U.S. Department of Energy, as staff with the Federal Energy Regulatory Commission, supporting chairs from both political parties, and most recently during my time as a staff member detailed from the Federal Energy Regulatory Commission to this Committee. Through these experiences, I have learned firsthand the importance of listening to all stakeholders, and I am convinced that effective engagement serves to broaden support that is so critical to reasoned decision-making and to strengthening the Commission's orders by ensuring that all views are considered. I have also had the great privilege of working for the chairs and commissioners of FERC and alongside its talented world-class staff. This allows me to speak from experience when I say that it would be an honor to be confirmed as a FERC Commissioner.

Having served alongside FERC staff, I can vouch for the fact that FERC is an expert body that lives up to Congress's vision for an independent, bipartisan regulator of our increasingly complex energy system. FERC's leaders and civil servants work tirelessly to guide the Commission's decisions toward sound, legally durable outcomes that hold true to the Agency's statutory authority and make our country and our allies more energy secure. The Commission's core responsibility—its job number one—is to ensure the reliable operation of the country's electric grid. None of our country's economic or policy priorities can be achieved if energy reliability is not preserved. Consumers demand it, they deserve it, and it is FERC's most sacred duty to ensure it.

If honored to be confirmed, I will remain grounded in this mission to ensure reliability. This means respecting the reality of the resources that power our economy today and keeping an eye on the horizon to ensure that the next generation of technologies, which Congress has unlocked through the important bipartisan legislation

that originated from this Committee, can play their role to bring reliable, safe, secure, and affordable energy to all Americans. If confirmed, I commit, above all, to abide by the laws passed by Congress and judicial precedent to act fairly and to consider the views put forth by all parties when deciding matters before FERC, whether that be applications for a natural gas pipeline or hydro-power projects, tariff proceedings for electric markets, or transmission planning, oil pipeline rates, or other issues before the Commission. It is through that case-by-case and issue-by-issue approach that FERC achieves its mission as an independent regulator and delivers the best outcomes for our country.

Thank you once again for the opportunity to appear before you today. I look forward to your questions.

[The prepared statement of Mr. Rosner follows:]

Written Testimony of David Rosner
Nominee to the Federal Energy Regulatory Commission
before the
Energy and Natural Resources Committee
United States Senate
March 21, 2024

Chairman Manchin, Ranking Member Barrasso, and Members of the Committee. Thank you for the opportunity to appear before you this morning as a nominee to serve on the Federal Energy Regulatory Commission (FERC). I am humbled to be considered for this opportunity to serve my country.

I would like to thank President Biden for nominating me and for his confidence in my ability to serve as a commissioner. I want to thank Chairman Manchin for the opportunity to contribute to the work of this Committee as a detailee over the last 18 months.

And I especially want to thank my wife Jasmine, for her steadfast support for my career in public service, and to our children, Olive and Quinn, for motivating me to pursue the greater good for our country.

For the past 17 years I have enjoyed working on energy policy both from within and outside the federal government, which has given me the opportunity to develop relevant expertise across economic, technological, and regulatory domains. Throughout my career, I have worked across ideological lines to build consensus on difficult energy issues, first as a member of the staff that launched the Bipartisan Policy Center, then by supporting Secretary Moniz and his team at the U.S. Department of Energy, as staff with the Federal Energy Regulatory Commission supporting Chairs from both political parties, and most recently during my time as a staff member detailed from the Federal Energy Regulatory Commission to this Committee. Through these experiences I have learned firsthand the importance of listening to all stakeholders, and I am convinced that effective engagement serves to broaden the support that is so critical to reasoned decision making and strengthen the Commission's orders by ensuring that all views are considered.

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If confirmed, I commit above all to abide by the laws passed by Congress and judicial precedent, to act fairly, and to consider the views put forth by all parties when deciding matters before FERC—whether that be applications for natural gas pipeline or hydropower projects, tariff proceedings for electric markets or transmission planning, oil pipeline rates, or other issues before the Commission. It is through that case-by-case and issue-by-issue approach that FERC achieves its mission as an independent regulator and delivers the best outcomes for our country.

Thank you once again for the opportunity to appear before you today. I look forward to your questions.

The CHAIRMAN. Thank you, sir.
And now, Ms. See.

STATEMENT OF LINDSAY S. SEE, NOMINATED TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION

Ms. SEE. Thank you, Chairman Manchin, Ranking Member Barrasso, and each member of the Committee for your time today and for your work on the important issues of energy security facing our country. It is an honor to appear before you as a nominee to serve on the Federal Energy Regulatory Commission. Thank you also to President Biden for nominating me to this position and to Leader McConnell for his recommendation that he should. I am humbled by their trust in my ability to serve the American people in this way. I would also like to acknowledge West Virginia Attorney General Patrick Morrisey and my colleagues in the AG's office. Representing my adopted state has been a true honor these past six-plus years, and I count it a privilege to serve the Mountain State alongside such a professional and committed group of colleagues and friends.

And I am deeply grateful to my family. My siblings—Jason, Jamison, Whitney, and Ashley are here today. Thank you to them and to the rest of their families supporting from Michigan. Thanks also to Rachel and Josh Baer for their close friendship and always-open guest room and to my goddaughter, Maria. In full candor to the Committee, at ten years old, she was less than impressed to learn that I had been nominated to a Commission that she had never heard of, but she got considerably more invested in the idea when we told her that she could skip school to be here today for a real live civics lesson instead. And of course, thank you to my parents, Robert and Kathleen See. I treasure your support and keep your examples of a life well-lived in front of me each day.

FERC's crucial work is at the intersection of what drives me in my career. As an administrative and appellate lawyer, I have spent much of the last dozen years deep in complex statutes and detailed and technical records. The energy space gives this admittedly nerdy species of the law real consequences for real people. I remember, for instance, what it was like being part of the 50 million people in the 2003 blackout across northeastern America and southern Canada. I recall the anxiety, realizing just how widespread the problem was and just how little control we had over it. And it was more than just the inconvenience when homes, stores, and streetlights suddenly went dark. A family member was nine-months pregnant at the time, and the days it took for the lights to come back on sparked growing worry about her safety and access to medical care. Now, fortunately, all ended well there—and I have had quite a few “where does the time go?” moments over the past few weeks, realizing her son is now 20—but Congress responded to that blackout by adding Section 215 to the Federal Power Act, giving FERC new responsibility to ensure grid reliability. I left it with a lasting reminder how critically—and practically—energy policy affects each one of us.

My time as West Virginia Solicitor General has brought that lesson into laser focus again these past several years. Thanks to West Virginia's economic and power-generation interests, energy matters

have been front and center on my docket since day one on the job. Through dozens of cases and rulemakings, I have learned much more than I understood in 2003, that grid reliability, regulatory certainty, and affordable energy are essentials. I have also come to value the state's important role when it comes to generation and local distribution, and understand the complexities that their different resources, geographies, and priorities can bring to the equation. My role as a state lawyer also solidified my respect for the interplay between state and federal regulators. I take the rule of law and separation of power seriously. I am committed to the simple notion that agencies have only the power that you—Congress—give to them. And if I were honored to be confirmed, I would guard my duty as a Commissioner to do no more than what Congress delegated to FERC in the U.S. code: to stay in FERC's important but narrow lanes, applying that law faithfully and impartially based on the record before me.

But I am also committed to doing no less than what Congress has tasked of FERC. Understanding jurisdiction's limits can mean focusing more closely on what matters most. So to the best of my ability I would work to continue the Commission's vital work in ensuring energy reliability, timely infrastructure review, and just and reasonable rates flowing from a fair interstate electricity market. And here again, I would draw on lessons from my current position, working with stakeholders in West Virginia and around the country on various sides of sensitive and critically important issues. I would hope to add my experience to those of my fellow Commissioners. I would look forward to working with them and the expert and dedicated FERC staff to do our part to fulfill FERC's mission as a non-partisan and independent agency.

I truly appreciate the honor to be considered for this role to serve the people across our nation, whose daily lives depend on sound and predictable energy policy. Once again, thank you for the opportunity to appear here today, and I welcome your questions.

[The prepared statement of Ms. See follows:]

Written Testimony of Lindsay S. See
Nominee to the Federal Energy Regulatory Commission
before the
Energy and Natural Resources Committee
United States Senate
March 21, 2024

Thank you Chairman Manchin, Ranking Member Barrasso, and each member of the Committee for your time today and for your work on the important issues of energy security facing our country. It's an honor to appear before you as a nominee to serve on the Federal Energy Regulatory Commission.

Thank you also to President Biden for nominating me to this position, and to Leader McConnell for his recommendation that he should. I'm humbled by their trust in my ability to serve the American people in this way.

I'd also like to acknowledge West Virginia Attorney General Patrick Morrissey and my colleagues in the AG's office. Representing my adopted State has been a true honor these past 6 plus years. I count it a privilege to serve the Mountain State alongside such a professional and committed group of colleagues and friends.

And I'm deeply grateful for my family. My siblings Jason, Jamison, Whitney, and Ashley are here today. Thank you to them and the rest of their families supporting from Michigan. Thanks also to Rachel and Josh Baer for their close friendship and always-open guestroom, and to my goddaughter Maria. In full candor to the Committee, at ten years old she was less than impressed to learn I'd been nominated to a Commission she'd never heard of, but got considerably more invested when we told her she could skip school for a live civics lesson today instead. And of course, thank you to my parents, Robert and Kathleen See. I treasure your support and keep your examples of a life well lived in front of me each day.

FERC's crucial work is at the intersection of what drives me in my career. As an administrative and appellate lawyer, I've spent much of the last dozen years buried in complex statutes and detailed and technical records. The energy space gives this admittedly nerdy species of the law real consequences for real people. I remember, for instance, what it was like being part of the 50 million people in the 2003 blackout across northeastern America and southern Canada. I recall the anxiety realizing just how widespread the problem was and just how little control we had over it. And it was more than the inconvenience when homes, stores, and

streetlights suddenly went dark: a family member was 9 months pregnant, and the days it took for the lights to come back on sparked growing worry about her safety and access to medical care. Fortunately, all ended well there (and I've had a few "where does the time go?" moments lately realizing her son is now 20).

Congress responded to that blackout by adding section 215 to the Federal Power Act, giving FERC new responsibility to help ensure grid reliability. I left it with a lasting reminder how critically—and practically—energy policy affects each one of us.

My time as West Virginia's Solicitor General has brought that lesson into laser focus again these past several years. Thanks to West Virginia's economic and power-generation interests, energy-adjacent matters have been front-and-center on my docket since day one on the job. Through dozens of cases and rulemakings I've learned, much more than I understood in 2003, that grid reliability, regulatory certainty, and affordable energy are essentials. I've also come to value the States' important role when it comes to generation and local distribution—and understand the complexities that their different resources, geographies, and priorities can bring.

My role as a state lawyer also solidified my respect for the interplay between state and federal regulators. I take the rule of law and separation of powers seriously. I'm committed to the simple notion that agencies have only the power that you—Congress—give them. And if I were honored to be confirmed, I would guard my duty as a Commissioner to do no more than what Congress delegated to FERC in the U.S. Code: to stay in FERC's important but narrow lanes, applying that law faithfully and impartially based on the record before me.

But I'm also committed to doing no less than what Congress has tasked to FERC. Understanding jurisdiction's limits can mean focusing more closely on what matters most. So to the best of my ability, I would work to continue the Commission's vital work in ensuring reliable energy, timely infrastructure review, and just and reasonable rates flowing from a fair interstate electricity market.

And here again, I would draw on lessons from my current position working with stakeholders in West Virginia—and around the country—on various sides of sensitive and critically important issues. I would hope to add my experience to those of my fellow Commissioners. I would look forward to working with them and the expert and dedicated FERC staff to do our part to fulfill FERC's mission as a nonpartisan and independent agency.

I truly appreciate the honor to be considered for this role to serve the people across our nation whose daily lives depend on sound and predictable energy policy. Once again, thank you for the opportunity to appear here today. I welcome your questions.

The CHAIRMAN. Let me thank all of you for your statements, and now we are going to begin our questioning, and I will start. We all have about five minutes here. If you can keep your answers as concise as possible, we will get through a lot more that way.

I will first ask you, can you describe, each one of you, your view of FERC's most important responsibilities, as you understand them?

We will start, Ms. Chang, with you.

Ms. CHANG. Yes, thank you very much, Chairman. The first and foremost is reliability and affordability. And if I were lucky enough to be confirmed, that would be at the forefront of my decision-making process and following the law and examining every case that comes before us.

The CHAIRMAN. And understanding the difference between dispatchable and intermittent power, right? What's dispatchable and intermittent?

Ms. CHANG. Absolutely. The—

The CHAIRMAN. Dispatchable is 24/7. Something you can count on 24/7. Intermittent is basically—it is when it is.

Ms. CHANG. Absolutely. To ensure the reliability of our grid, we need a mix of many resources, and each resource has its own place in ensuring reliable service for our nation.

The CHAIRMAN. Thank you.

Mr. Rosner.

Mr. ROSNER. Thank you, Senator.

First and foremost, the Commission's job number one is reliability. The American people need it, they expect it, they deserve it. And this is part of FERC's mission that touches every aspect of our economy and of American life. If honored to be confirmed, that would be my priority number one. Thank you for the question.

The CHAIRMAN. Thank you.

Ms. See.

Ms. SEE. The advantage, or disadvantage, of going third is, I think we will be a broken record.

The CHAIRMAN. That's okay.

Ms. SEE. Reliability is certainly job number one for the Commission. I think that is critically important, particularly in this time where we are seeing changes in demand and load on these and we are seeing changes and stressors on the sources we have.

The CHAIRMAN. Let me follow up with that. Would you say you are an all-of-the-above energy person, looking at everything that gives us reliability, and as technology moves forward and one transition follows another, as long as reliability is the main factor?

Ms. SEE. I think reliability is absolutely essential, and I think it requires looking at all of the different options that we have.

The CHAIRMAN. You are open to all? All energy?

Ms. SEE. Certainly. I take seriously the concerns about our dispatchable resources and keeping open access to new entrants.

The CHAIRMAN. Mr. Rosner.

Mr. ROSNER. I identify strongly with the all-of-the-above philosophy. I think what we have seen in the past decade is that there is strength in a diverse resource mix. I also appreciate all of the change, both on the demand and generation side of the mix, and

would look to ensure that, if honored to be confirmed, that we have a system that maintains reliability as that transition happens.

Ms. CHANG. I agree with Mr. Rosner and Ms. See on both of those accounts.

The CHAIRMAN. Since molecules and electrons are moved and something you are going to be responsible for to make sure we are moving them and have enough of them, we have been told about two million megawatts of power is being held off of the grid because the capacity is not there. Mr. Rosner, starting with you, on both the transmission and the pipeline concerns that we have and transmission backlogs, what are your concerns on that and the two million megawatts of power sitting on the sidelines that we are going to be needing sooner or later as we continue to transition this economy?

Mr. ROSNER. Thank you for the question, Senator. The interconnection queue, as you mentioned, has approximately two million megawatt-hours of generation waiting to connect. This is an economic opportunity for the country. Timely buildout of infrastructure is essential, and if honored to be confirmed, that would be a priority for me.

The CHAIRMAN. Ms. See.

Ms. SEE. I certainly agree about the importance of needed transmission and making sure that that can take place in an orderly and predictable fashion. And I know, Mr. Chairman, you mentioned the idea of pipeline infrastructure. I think it is also important for FERC to take that part of its responsibility under the Natural Gas Act seriously when it comes to a thorough and efficient review.

Ms. CHANG. As Congress has placed the responsibility on FERC to have plentiful and affordable, both natural gas and electric supply, I support the building out of infrastructure—energy infrastructure—to make sure that we have reliable energy services across the country.

The CHAIRMAN. And finally, today, America is producing, as you have seen, more energy than ever in the history of our country. We are producing more oil, with 4.7 billion barrels last year, 37—almost 38 trillion cubic feet of gas, and we have produced more energy from wind and solar than ever before. With all this tremendous amount of energy we are producing, and the demands we have, and also our responsibility for our allies around the world, what is your opinion of what we are doing—the mix and things of that sort? And we will start back, Ms. Chang, with you.

Some people are going to look at this differently. Some have preferences of what fuel they like over another, and if you are truly looking at everything we are doing today, we are moving in that direction to be totally independent, and we should stay that way, but I don't know if you have an opinion on that or not, on how we have come to this energy security.

Ms. CHANG. Thank you very much for that question. I think first and foremost, that brings the U.S. to be the competitive—invest in its competitive edge and being a strong competitor around the world and being a leader in all technologies in energy production. I do think that is a positive story for the U.S., and leading in its efforts, both in investments that we are making today and have

made in the past to make sure that happens and support our allies through this energy security issue.

The CHAIRMAN. Thank you.

Mr. Rosner.

Mr. ROSNER. Thank you, Senator. This is an exciting time for the country. The story you just described is a very positive and exciting one and one that has served our economy well by creating jobs and by creating opportunities across the resource mix.

The CHAIRMAN. Ms. See.

Ms. SEE. I certainly agree. I think we have a wonderful opportunity when we see the new technologies that are developing. I think we can be proud of our existing resources and what we are doing as a country. Certainly, there are important policy issues there, and when it comes to the Commission's role, it is to be fuel-neutral, of course, when it comes to regulation of the organized markets. But I think it's important to look at the critical value that each of those sources is providing to our mix.

The CHAIRMAN. Thank you. Thank you all.

Senator Barrasso.

Senator BARRASSO. Thank you, Mr. Chairman.

Ms. Chang, are natural gas prices in Massachusetts too high?

Ms. CHANG. Certainly, in the winter, Senator, and I completely appreciate your concern because it is my concern as well to have affordable energy in Massachusetts and in New England because I and my family pay for those costs. And while I was in Massachusetts state government, we were deeply concerned about the costs associated, particularly with low and moderate income.

Senator BARRASSO. Well, that's good to hear, because the behavior of the State of Massachusetts doesn't really seem to be focused on lowering the cost for people. You know, in 2018, the Washington Examiner reported that you "predicted New England will move away from natural gas within the next five years." That was 2018. We are now beyond that. And then you said "so it's fiscally irresponsible," your words, "to invest in pipelines." That article was published six years ago. Now today, natural gas is supplying about the same share of New England's energy as it was in 2018, and you just said you support building out energy infrastructure. Does that include pipelines then?

Ms. CHANG. Absolutely. If I had—

Senator BARRASSO. Because you didn't support them in 2018.

Ms. CHANG. Well, in 2018 I was merely interviewed on a particular article, but as a government—

Senator BARRASSO. We have all been subject to being merely interviewed for articles and we know how it—

Ms. CHANG. Yes, we do know how that goes. And as part of the state government, however, I personally experienced what it's like to go through winters in New England, and from the Governor all the way down, we—nail biting experiences to make sure that we have not only reliable service, but affordable service, and that is particularly the time when New England was more like Germany than it was like Pennsylvania in its cost and availability of natural gas. So I care deeply about that.

Senator BARRASSO. On Monday, ISO New England—which keeps the grid in balance—issued a full report that I have here. And it

says, “New England’s future grid may lack sufficient natural gas pipeline infrastructure to meet the region’s winter fuel demand for both home heating and power generation.” You talked about prices being too high in the winter.

[The report referred to follows:]

2024 Regional Electricity Outlook

The Four Pillars

Introduction

PILLAR ONE
Clean EnergyPILLAR TWO
Balancing ResourcesPILLAR THREE
Energy AdequacyPILLAR FOUR
Robust Transmission

Conclusion

PILLAR THREE

Energy Adequacy

PILLAR THREE STATUS:
YELLOW TRENDING GREEN

Risks to energy adequacy could increase if expected renewable resources don't materialize, needed transmission isn't built, or fuel supply chains are disrupted.

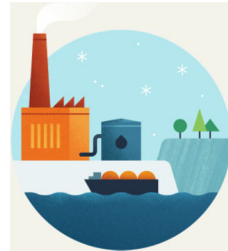
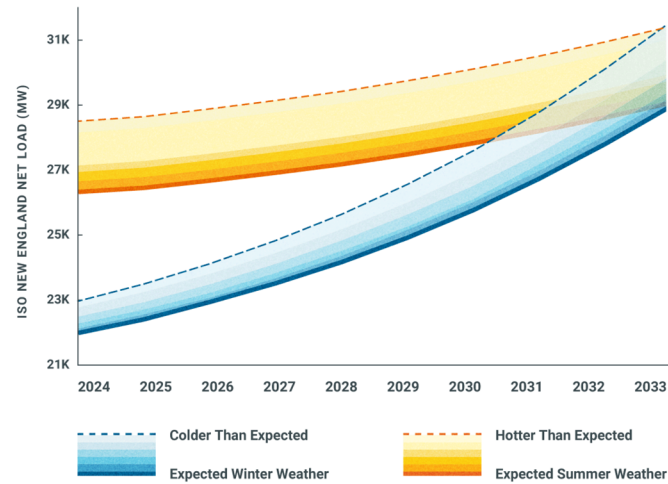
Staying Prepared

The future grid faces energy adequacy challenges on two fronts. As we've seen, electrification of the transportation and heating sectors will drive demand higher and higher in the years ahead. Meanwhile, extreme weather caused by climate change will increasingly affect the productivity of energy resources and could threaten the stability of the grid as a whole. Ensuring that New England has adequate energy will require both responding to increased demand and preparing for low-probability, high-impact weather events.

Over the last three decades, New England's peak electricity use has always been in the summer. But heating electrification is expected to turn the regional grid back into a winter-peaking system sometime in the 2030s. For a number of reasons, energy adequacy concerns are already greatest around periods of prolonged cold, and that will remain true for the foreseeable future.

Peak Demand Forecast

New England's summers have long been more energy-intensive than its winters because more electricity is used for cooling than for heating. But that's changing, and peak demand is now expected to be higher in winter than in summer by the mid-2030s. That could happen even sooner if the region experiences a very cold winter.



Keeping fuel in the tank

In the near term, natural gas will remain the region's leading fuel source for electricity generation. But generators' access to gas is limited in winter, when more of that resource is dedicated to heating homes and businesses. Access to liquefied natural gas, which the region must import by sea, can also be limited depending on shipping schedules and global economic forces.

The coldest days tend to see greater electricity production from oil because that resource temporarily becomes more economical than gas. During a prolonged cold snap, however, power plants' supplies of stored fuels—oil as well as coal and liquefied natural

Pillar Three: Energy Adequacy

gas—could be depleted before new deliveries arrive. Ahead of the winter of 2023/2024, the ISO launched a two-year **Inventoried Energy Program** to incentivize generators to maintain sufficient levels of stored fuel during winter to guard against situations like this.

On the clean energy side, the growth of solar and wind resources means the functioning of the power grid is becoming more dependent on the weather. These resources can help mitigate risks in the winter months, but the region will need a sustainable solution to withstand wind and solar “droughts.” Recent ISO economic studies of the potential 2040 power system have found that, in the future, the region will still need dispatchable suppliers of electricity—whether or not they are carbon-emitting—to maintain reliability during periods of high winter electricity use. This research suggests that New England’s future grid may lack sufficient natural gas pipeline infrastructure to meet the region’s winter fuel demand for both home heating and power generation, even though these resources may be needed infrequently. Advancements in long-term storage technology will be necessary before batteries can be relied upon to see us through extended periods of energy scarcity—and as discussed in the previous section, batteries may not have adequate opportunity to charge during the winter months. Alternative clean fuels have promise, but are not yet mature.

Staying a step ahead of the weather

The ISO is continually developing and refining tools to address tomorrow’s energy adequacy challenges. These tools include our innovative **21-Day Energy Assessment Forecast and Report**, which helps system operators identify potential energy shortfalls while there is time to work with stakeholders to prevent them or lessen their impact. The ISO is analyzing **meteorological data** in greater detail than ever before to forecast electricity demand, as well as output from solar and wind resources.



In collaboration with the Electric Power Research Institute, the ISO recently conducted an assessment of the potential impacts of extreme weather on power system operations. The first-of-its-kind probabilistic energy adequacy study identified scenarios that could strain the grid over the next 10 years, in addition to studying scenarios suggested by stakeholders. The results indicated the risk of energy shortfall is manageable in the short term, meaning the ISO would use existing tools, such as calling for assistance from neighboring power systems or asking the public to conserve electricity use, in order to reduce the risk or mitigate the impact of an energy shortfall.

Risk does increase through 2032 as demand grows and older resources retire. It’s important to understand that the ISO’s initial assessment—that energy shortfall risk is manageable—is not a

Pillar Three: Energy Adequacy

guarantee of energy adequacy in the next decade. If key assumptions about the pace of renewable resource additions, transmission build-out, or fuel availability don't hold, an increasingly risky energy shortfall profile could emerge.

The energy adequacy study gives the ISO a new framework for assessing future scenarios. The framework can be continually updated as the resource mix evolves and weather becomes increasingly unpredictable. This **Probabilistic Energy Adequacy Tool** will enhance the ISO's ability to anticipate problems and respond appropriately. The information it provides will inform the ISO as it works with the states and other stakeholders to determine longer-term steps to protect against energy shortfalls and mitigate any risks identified through the study of stakeholder-requested scenarios.

The ISO is using the results of this research to work with stakeholders on a **Regional Energy Shortfall Threshold (REST)**, establishing an acceptable level of energy shortfall risk common to the six states.

Having this measure in place will allow the ISO to take action, evaluating whether specific solutions are needed to help the region maintain the agreed-upon margin. These might include adjustments to market designs, investments in infrastructure, or dynamic retail pricing and additional responsiveness by end-use consumers. Some of these solutions fall under the purview of the New England states, who will be key participants in the regional discussions.

Senator BARRASSO. So it's a crisis point, potentially, for New England because of lack of pipeline availability. So in light of this fact, do you still think it's fiscally irresponsible to invest in pipelines?

Ms. CHANG. I think the issue is very complex in New England and I support——

Senator BARRASSO. It's a pretty simple yes or no, with everybody saying they need more pipelines. Is it fiscally irresponsible?

Ms. CHANG. Well, if I had my magic wand, I would love to have more gas infrastructure and gas supply to New England, but the issues are complicated in New England and I look forward to an opportunity to work further on that.

Senator BARRASSO. Thank you.

Ms. See, if confirmed, how would you assess the scope of the Commission's authority?

Ms. SEE. Ranking Member, yes, I understand that you, Congress, have given FERC important responsibility in the Federal Power Act and the National Gas Act of ensuring affordable and reliable energy through the regulated wholesale rates and mandatory reliability standards in the interstate electricity market, and also, licensing efficiently needed infrastructure, including natural gas pipeline infrastructure. That is exactly what the Natural Gas Act says. These are important roles. I would be committed to carrying them out.

As I mentioned in my statement, I also think it's important I understand the role of the Commission to fulfill only those duties that Congress has delegated because, of course, agencies don't have any independent authority. So I would consider it my duty, if I had the honor to be confirmed, to implement the laws that you, the peoples' representatives, put into place.

Senator BARRASSO. Thanks. I have a question for all three of you. Let me start with Ms. See, and then we will go to Mr. Rosner and then ask Ms. Chang as well.

So in late January, President Biden publicly stated that the Department of Energy would stop approving new liquefied natural gas (LNG) exports for an indefinite period of time. Now, under the Natural Gas Act, the Commission is obligated to process permits for the siting, the construction, and the operation of the LNG export facilities. So I would like to hear from each of you, if confirmed, will you commit to acting promptly on pending LNG export projects?

Ms. SEE. Yes, Senator, as you have said, Congress has divided authority in this area between the Department of Energy and FERC. I understand that directive to apply to the Department of Energy's role when it comes to licensing the export. I do not understand that to change FERC's statutory responsibility when it comes to timely and efficiently processing any licensing applications that come before it.

Senator BARRASSO. Mr. Rosner.

Mr. ROSNER. Thank you for the question. FERC is independent of the Biden Administration and FERC has its own duty under the statute to review these projects, and if honored to be confirmed, I would support FERC's longstanding practice of proceeding to review applications when they are ready.

Senator BARRASSO. Ms. Chang.

Ms. CHANG. Yes, thank you for the question, and I also understand that FERC continues to process its applications, and I look forward to having an opportunity to work with the staff and other Commissioners on this topic.

Senator BARRASSO. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

And now we have Senator Heinrich.

Senator HEINRICH. Thank you, Chairman.

I want to start by just making all three of you aware of an issue that I think is important that hasn't necessarily received the attention it deserves. FERC Order No. 2023 created a certain system of financial deposits with respect to interconnection queues that are creating particular challenges in Indian Country. And I want to ask a question, and it's relatively straightforward, which is just that all three of you would commit to engaging tribal stakeholders as part of the FERC rulemaking process.

Ms. CHANG. Yes, absolutely. I certainly understand the concerns and the cost, and if I have the fortune to be confirmed, I would look very closely at this issue and how it affects our tribal nations. Thank you.

Senator HEINRICH. Mr. Rosner.

Mr. ROSNER. Thank you for the question, Senator. My answer is yes.

Senator HEINRICH. Great.

Ms. See.

Ms. SEE. I agree. I think that diverse voices are very important when it comes to these issues as a matter of due process and accountability of the government's work.

Senator HEINRICH. Ms. See, I very much understand and appreciate your firm belief in the separation of powers between state and federal regulators. I want to ask, given that the vast majority of reliability issues result from outages that are actually caused by state regulated distribution systems, how do you reconcile FERC's authority with its responsibility to ensure grid reliability?

Ms. SEE. Thank you, Senator. Certainly, as we have all said, grid reliability is a central goal and responsibility. I think that implicates a couple aspects of the Commission's authority. I would certainly be looking closely at its authority under Section 215 of the Federal Power Act when it deals with mandatory reliability standards. I think that is critically important. And then, of course, looking for the way that the Commission's ratemaking authority power in the organized markets would create market conditions for the right incentives to make sure we are benefiting ratepayers, which would include, of course, affordable rates, and also adequate resources.

Senator HEINRICH. Do you think we need clear standards for what actually constitutes reliability?

Ms. SEE. I think clarity is very important when it comes to regulation. This is an area that I would be looking forward to if I were honored to be confirmed, looking closer with my fellow Commissioners and would certainly, in this and all other areas, defer to

Congress if it decides that it's important to provide more clarity in the law.

Senator HEINRICH. Mr. Rosner, this Committee has heard testimony from FERC, from NERC, from industry, all stating that interregional transmission is really critical to ensuring reliability, especially in the face of increasing extreme weather events. I am curious if you agree with that, and if so, would you commit to ensuring a final rule with strong provisions on interregional transmission capacity?

Mr. ROSNER. Thank you for the question, Senator. And I agree, this is a critically important issue. The Committee, as you mentioned, has heard from the experts at NERC, the other Commissioners at FERC, and industry about the promise of interregional transmission as one of the solutions to some of the major threats to reliability that our country has faced in the past decade. If confirmed, I would say that this would be a priority for me, and I would like to work with my colleagues, if honored to be confirmed, on potential actions that the Commission could take on this. Thank you.

Senator HEINRICH. Ms. Chang and Ms. See, I would just ask your thoughts on the importance of interregional transmission and whether that should be thoroughly considered by FERC in order to ensure the kind of grid reliability that you all seem to support.

Ms. CHANG. Sure, thank you very much, Senator, for that question. As you probably know, I have been analyzing interregional and regional transmission efforts of this country and I do think that there are many benefits associated with—economic benefits associated with building out our transmission infrastructure, including interregional transmission. So if I were to have the fortune to be confirmed, that is also one of my priorities—to better understand the constraints and work with states and all stakeholders and the regional entities to make sure that we can advance the transmission buildout of this country.

Senator HEINRICH. Ms. See.

Ms. SEE. I think there is a lot of agreement that it's important in order for reliability to get energy from where it is produced to the people who need it when and where they do. I think transmission is a very important issue when it comes to that goal. So certainly, I do support the orderly buildout of needed transmission facilities. I understand the importance of this role, and if I have the honor to be confirmed, would look forward to working with my fellow Commissioners and the FERC staff on these issues.

Senator HEINRICH. Thank you, Chairman.

The CHAIRMAN. Thank you.

Senator Lee.

Senator LEE. Thank you, Mr. Chairman. Thanks to each of you for your willingness to serve and be here with us today.

Mr. Rosner, let's start with you. You know, electric transmission is a hot topic. It's a hot topic here in Congress and a hot topic within FERC. Would you agree that the cost of transmission lines should be borne by and imposed only on those who directly and quantifiably benefit from those lines?

Mr. ROSNER. Thank you for the question, Senator. I agree that only those who benefit should pay for transmission and that is con-

sistent with longstanding Commission precedent as well as judicial precedent on this topic.

Senator LEE. Thank you.

Ms. See, states like California have adopted some of their own standards—their own renewable portfolio standards—and those require significant transmission infrastructure in order to wheel in renewable generation from other areas of the country. Should FERC require Utah's ratepayers to pay for California's future transmission projects, which will be built solely for the purpose of satisfying California's public policy goals?

Ms. SEE. Senator, I would certainly respect the responsibility of the states when it comes to their primary decisions and their own policies in generation, but when I am looking at FERC's particular role, I agree with Mr. Rosner, that there is longstanding Commission precedent when it comes to the idea that costs need to be commensurate to the benefits. I think that is critically important, and on any of these issues that were coming in front of me, I would be looking at who is benefiting in that case when it comes to the particular issues of cost allocation. I would be looking very closely at the law and the Commission's role in that area and apply it to the particular factors in front of me.

Senator LEE. But the Commission's job is not to socialize the cost from one state to another in order to satisfy that state's policy desires. It's not the other state's job to pay for those, and certainly not FERC's job to require state A to subsidize state B in its own policy preferences.

Ms. SEE. I think it's certainly important for the Commission to be looking at what it looks like to have fair allocation in terms of just and reasonable rates, and yes, I would be looking very closely at that statutory authority in any of these questions.

Senator LEE. Ms. Chang, do you agree with that?

Ms. CHANG. Yes, absolutely. I also agree with the fact that beneficiaries pay in the context of transmission cost allocation. So, yes.

Senator LEE. Great.

Mr. Rosner, do you agree with that also?

Mr. ROSNER. Yes, sir.

Senator LEE. Okay. Now, clearly the idea that the beneficiary pays is easy to agree to in principle, but harder in the context of paying for specific transmission projects. I would urge each of you to be very careful as you navigate this issue of who pays. The "who pays" question is significant. The question about, you know, that you are not socializing the cost for transmission projects to ratepayers, it's an important thing for you to focus on. Ratepayers that will not benefit from those projects and did not have a say in the climate policies that have been adopted in other states, other states where the ratepayers in question do not live.

Ms. Chang, in your view, is FERC fundamentally an economic or environmental regulator?

Ms. CHANG. Economic regulator.

Senator LEE. Mr. Rosner, do you agree with that?

Mr. ROSNER. I do.

Senator LEE. And Ms. See?

Ms. SEE. Yes.

Senator LEE. Mr. Rosner, federal courts have long recognized FERC as an agency with no inherent powers beyond those specifically granted by Congress. The D.C. Circuit held in *Atlantic City Electric v. FERC* that FERC is, quote, “a creature of statute, one that has no constitutional or common law existence or authority, but only those authorities conferred on it by Congress.” In your view, Mr. Rosner, should FERC be in the business of regulating environmental and climate impacts beyond what NEPA requires?

Mr. ROSNER. Thank you for the question. And I agree strongly that, if honored to be confirmed, my starting point in considering questions that come before the Commission would be the statute, and I think in the case that you are mentioning here, that would be the Natural Gas Act, and I would look to the Natural Gas Act, and the Supreme Court has said that the purpose of the Natural Gas Act is to “ensure the orderly development of plentiful supplies of natural gas at reasonable prices.” And so, that’s where I would start and end in my analysis of that issue.

Senator LEE. Thank you.

Ms. Chang, is it appropriate under the law for FERC to regulate downstream emissions for a natural gas pipeline project?

Ms. CHANG. My understanding is that the Natural Gas Act does not specify greenhouse gas emissions as a criteria for denying any pipeline projects.

Senator LEE. Mr. Chairman, can I ask one follow-up?

The CHAIRMAN. Absolutely.

Senator LEE. Now, in a Citizens Climate Forum panel, you spoke about how the climate transition will reform, “really everything we do. The way we do things will need to change between now and 2050 and beyond, of course.” What role do you think FERC should play in the climate change transformation that you describe in that speech?

Ms. CHANG. In that context of the quote that you just cited, Senator, it’s about our individual lives and our personal contribution to the climate crisis that we face. As far as FERC’s role is concerned, if I have the honor to be confirmed, I will make sure that I follow the law, and Congress is in the position to set the law, and FERC is the agency that follows the law.

Senator LEE. But should climate change factor into FERC’s public interest determinations?

Ms. CHANG. I understand your question and I understand the tension around this topic. I am not a lawyer so I haven’t reviewed all the court cases around this topic, but I would commit to you and everyone here that I will—

Senator LEE. Based on your understanding of those laws, should it?

Ms. CHANG. Again, I mentioned that the National Gas Act does not specify climate change in its determination of natural gas.

Senator LEE. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Padilla.

Senator PADILLA. Thank you, Mr. Chairman. I appreciate the opportunity to weigh in here with so many references to California, but first, I want to take a moment and thank Mr. Rosner, who is before us, for his work as a detailee to the Committee, and whose

expertise has been a tremendous resource for me, for my staff, and I imagine for many offices of Committee members during his time. So I very much appreciate that and it has, I think, prepared you well for this opportunity here.

Speaking of California, and the West for that matter, much of the West's grid reliability struggles have intensified in recent years, not just because of a growing population and the economy, but because of the extreme summer heat and the strain that it imposes on the system. Now, western grid regionalization has been raised as the potential solution to these concerns as electricity demand in the West continues to grow and stressors continue to intensify. The ability for regions to coordinate and the speed and sophistication of that coordination grows more important every single day. And I am seeing some heads nod in agreement here.

So in December of last year, FERC approved California ISO's proposal to establish the extended day-ahead market, which would allow external balancing authority areas to participate in California ISO's day-ahead market. This is a major step toward a more reliable and resilient grid. The question is for Ms. Chang. Can you discuss how regional coordination can improve efficiency, can reduce cost, and can reduce emissions in a region?

Ms. CHANG. Thank you, Senator, for that question. I happen to have worked on some regional market analyses in the West, including assisting many stakeholders, including California ISO, to analyze these things. And my position on that is that I do believe regional markets can bring benefits to ratepayers, to consumers, because of the things that you have just mentioned. It could increase the efficient use of transmission as well as resources, and therefore, if I have the honor to be confirmed, I would work very closely with other staff and Commissioners on this topic. Thank you, Senator.

Senator PADILLA. Okay, thank you. You anticipated my follow-up question, which is, should you be fortunate enough to be confirmed, would you be supportive of allowing for flexibility amongst regions to collaborate on market development?

Ms. CHANG. Yes, absolutely. I think I have great respect for all the states across the West, as well as their utilities, to make the choices of the market design and the market that they want to participate in.

Senator PADILLA. Right, and before I ask my next question, just to comment. Senator Lee had to excuse himself, I see, but in the whole "beneficiary pays" conversation, the benefits of such coordination and efficiencies, et cetera, are not contained to the footprint of the state boundaries of California. In fact, the benefits are regional, and so, whether it's through coordination, whether it's through infrastructure upgrades, I will just state that for the record.

Now, on a different topic, FERC has such an important mission. I mean, you all agree, that is why you are here today accepting the nomination. The mission of assisting consumers in obtaining reliable, safe, secure, and efficient energy services at a reasonable cost. So the cost impacts are not lost on us. However, in order to do that, in order to fulfill its mission, FERC must be fully staffed, especially with the technical experts necessary to carry out its very important work. And as you have seen across the Federal Government, re-

cruiting and retaining technical staff in particular, at times, can be challenging. With millions of megawatts currently in the approval queue at FERC, we must ensure that FERC has not just the commissioners it needs, but the staff capacity and expertise required to carry out its mission effectively and timely.

Mr. Rosner, given your experience as a staff member at FERC, can you share with us how important it is to have the adequate amount of technical staff?

Mr. ROSNER. Thank you for the question, Senator. And I would agree that having a fully staffed agency with staff that has the right expertise to process the issues before it is essential.

Senator PADILLA. Thank you.

And the final question for all the Commissioners—should you be fortunate enough to be confirmed, how would you use your platform as a Commissioner to work with Congress to increase staffing at FERC and oppose proposed budget cuts?

Ms. SEE. I am happy to start. Being in public service right now, I recognize that they are incredibly dedicated and talented people who work there. I do understand some of those recruiting challenges. I have experienced that in my current role. That would be something that would be very important to me to look into if I had the honor to be confirmed, to see what current conditions are in the Commission, and I would certainly be committed to working with Congress on any issues there.

Senator PADILLA. Thank you.

Mr. Rosner.

Mr. ROSNER. Thank you for your question, Senator.

I commit to working with you and members of this Committee on this question and that it would be a priority to ensure a fully staffed agency. Thank you.

Senator PADILLA. Thank you.

Ms. CHANG. I, too, appreciate the value of having adequate staff and I commit to you here at the Committee, as well as the Chairman of FERC, to work on this topic, if I were to be confirmed. Thank you.

Senator PADILLA. Thank you. Thanks to all three of you very much.

Thank you, Mr. Chair.

The CHAIRMAN. Thank you.

Senator Hyde-Smith.

Senator HYDE-SMITH. Thank you, Mr. Chairman, and thank you all for being here and testifying. That's very much appreciated.

You know, we know the importance of FERC's role when it comes to ensuring reliable and reasonable rates for the electric grid. Its very mission statement notes the responsibility to ensure, and I quote, "reliable, safe, secure, and economically efficient energy services at a reasonable cost." Nowhere does it mention being an environmental policymaking body. A quick yes or no down the panel for this question, because my time is limited. Is FERC an economic regulator and not an environmental policymaking body?

Ms. CHANG. Yes.

Mr. ROSNER. Yes.

Ms. SEE. Yes.

Senator HYDE-SMITH. Thank you for that.

We have seen in years past and even recently how other agencies have proposed what I consider major overreaching policies without consulting FERC that would dramatically impact the reliability of the grid that we all depend on. If confirmed, will you be willing to challenge faulty assumptions of other agencies if they threaten grid reliability?

Ms. CHANG. I will start, Senator, by saying that, again, reliability is foundational, and it is foundational to FERC's role. So to the extent that anything that might affect the reliability of our systems—energy systems and the electric grid—I will work very hard with other agencies in case those policies affect them to ensure that we have the proper levers for FERC to ensure reliability.

Senator HYDE-SMITH. Mr. Rosner.

Mr. ROSNER. Thank you for the question, Senator. The job number one for the Commission is to ensure energy reliability for the country. And if there were a case where the reliability of the grid or the energy system were in question, I would, without hesitation, communicate those concerns.

Senator HYDE-SMITH. Ms. See.

Ms. SEE. Senator, yes, I certainly agree that I think it is important to look at all of the intersecting landscape when it comes to different legal requirements from different agencies. That is something that in my role as an advocate—not, of course, as an impartial commissioner—I have been thinking about a lot over the past couple of years in my role in West Virginia. So I think that is a very important concern. And certainly, agencies each have their own responsibility consistent with the authorities that Congress has given to them, but because FERC does have responsibility as an economic regulator, responsible for reliability, I think it is important to share those important perspectives. I applaud, for instance, the technical conference that FERC held when it talked about reliability issues and on proposed rules from other agencies this fall. I think that expert consulting and advising role is very important in this space.

Senator HYDE-SMITH. Thank you all.

In previous years, legislation has been introduced already in the U.S. Senate to amend the Natural Gas Act to give FERC refund authority in cases where natural gas transmission pipelines charge unfair, unreasonable rates to their customers. FERC has this existing authority under the Federal Power Act in terms of unfair rates charged by electric utilities.

Ms. See, we will start with you. So how do you view these overcharges affecting natural gas consumers like my constituents who rely on natural gas to cook, to heat their homes, to heat their poultry houses, everything that Mississippians do? Could, or do these overcharges lead to higher rates?

Ms. SEE. Senator, I think these are also incredibly important issues. And as you said, when it comes to affordability, that is not just an abstract concept, it matters to everyday Americans in their day-to-day lives. I think that is a very important issue. I would be looking very closely at FERC's authority in this area. I would be committed to applying the statute and the Natural Gas Act standards in the particular circumstances and facts that came before me. I certainly respect and understand the discussion that this Com-

mittee is having, and is having in Congress, and of course, on this and other issues, would defer to Congress if Congress decided it was important to give more clarity and direct authority in that space.

Senator HYDE-SMITH. Thank you.

Mr. Rosner.

Mr. ROSNER. Thank you for the question, and I think reasonable price and affordability is a key concern. It will be a priority for me, if honored to be confirmed. On this specific question, I would be, again, if confirmed, I would like to provide any technical support, technical assistance to you or your staff or this Committee as they consider potential changes to the statute.

Ms. CHANG. Thank you, Senator, for that question.

I, too, will commit to working with you and your staff to better understand the issue, and of course, one of the primary jobs of FERC is to make sure that the costs are just and reasonable, and I would, of course, also support any enforcement actions that the Office of Enforcement would be working on. So I would commit to working with you and your staff and other FERC staff to better understand this issue and work on that topic. Thank you.

Senator HYDE-SMITH. Thank you, and my time is up.

Senator HEINRICH [presiding]. Senator Hickenlooper.

Senator HICKENLOOPER. Thank you, Mr. Chair, and thank you all for being here and for your willingness to engage in this level of public service. We have had NERC come in here and testify to us that many of our nation's grids face serious reliability issues. We have touched on that a little bit already. NERC said unequivocally, one intervention that would be beneficial to reliability is new interregional transmission. Now, we introduced BIG WIRES to try and help coordinate that interregional grid buildout, but FERC actually has existing authority to establish a minimum transfer standard and hosted a staff level workshop in 2022 on the topic. So, just each of you down the row, and I have a couple other questions, so do you agree with NERC, and then, what value do you see in a federal minimum transfer standard, and will you commit, if you are confirmed, to exploring the benefits of establishing minimum transfer capabilities between regions?

Ms. CHANG. Thank you, Senator, for that question. As I mentioned earlier, I am a big believer in making sure that we have reliable service, including building necessary and beneficial infrastructure, including interregional transmission facilities. I do think, in general, and ideally, we would love to have a standard across the country, however, I respect regional differences and I understand there might be regional differences in needs and priorities. So to the extent that minimum transfer standards would be applied, I would love to have an opportunity to work more on that and understand the regional differences and the priorities. Thank you.

Senator HICKENLOOPER. Okay.

Mr. ROSNER. Thank you for the question, Senator, and thank you for your leadership on this topic. I do agree with NERC's assessment that interregional transmission is one of the key solutions to the weather-driven grid reliability challenges that our nation faces, and then getting bigger than the weather is a potential solution to those, among others. If honored to be confirmed, I would be de-

lighted to consider ways, along with my colleagues, on how to find a solution to that reliability threat. Thank you.

Senator HICKENLOOPER. Great.

Ms. SEE. And Senator, I also, of course, agree with the concerns to reliability, and I think it's important to look at all options that could help us address that problem to the benefit of ratemakers. I think, certainly, there are going to be specific circumstances in different regions, as Ms. Chang mentioned, that would be important to look at. I am familiar, but haven't had the chance to look in detail at the results of that staff-level conference, so I would certainly be interested, if I had the honor to be confirmed, to learn more about where that process stands and what the Commission learned from that on this issue.

Senator HICKENLOOPER. Great. Thank you.

And I mean, whether it is rising load, electrification, or the proliferation of data centers—the extreme weather, I mean, we are seeing that these challenges are going to increase and the, you know, one of the studies that I found instructive from—this is from Iowa State—looked at the years 2014 to 2021. And the whole of North America developed just seven gigawatts of large-scale inter-regional transmission over that seven-year period. So just seven gigawatts, and less than half of that was in the U.S., right? Seven gigawatts for all of North America. Of that half, zero has been completed yet. Over the same period, South America developed 22 gigawatts, while we couldn't even do three and a half. Europe did 44 gigawatts and China did 260 gigawatts. And I think, you know, the key reliability challenges that are in front of us, we haven't been facing them. And given how long this infrastructure takes to build, are you worried that we are falling behind our peers in terms of our interregional capacity?

We will start down at this end.

Ms. SEE. Senator, I agree. I think there has been a theme this morning that, in terms of having needed infrastructure buildout, that is very important. And I would be looking at this issue in terms of what FERC's particular responsibilities and authorities are in that area. So I agree that this is an important question, to make sure we can encourage the right sort of investments. I will be looking at that in the context of FERC's ratemaking authority, what it looks like in terms of its responsibility for just and reasonable rates and creating the right market incentives to be able to have the important reliability and resource adequacy that we need for consumers across the country in this and in other areas.

Senator HICKENLOOPER. Great.

Mr. ROSNER. Thank you for the question, Senator, and it occurs to me that more often, when reading the press, you read about transmission lines that have been in the permitting process to the extent that they are, if they were a person, they'd be old enough to vote. And from my perspective, if honored to be confirmed, it would be a priority for me to ensure timely build of needed infrastructure.

Ms. CHANG. And Senator, as I have dedicated a lot of time in my career to understand the issues on regional and interregional transmission, and as you have stated correctly that load is just growing, data centers are coming in through different communities,

and I am concerned about the reliability, but also the cost associated with energy for different regions. To the extent that beneficial transmission and interregional beneficial transmission will be necessary and will be supportive, I dedicate my time to working on that. In addition, I also think long-term planning is a part of that and I think that having proper long-term planning and outlook to what the growth might be, and can be and will be, will be part of the work that is necessary for FERC to look at how much transmission, and where they ought to be sited. Thank you.

Senator HICKENLOOPER. Well, certainly, as part of that long-term planning, I have talked to all three of you independently, but your collaborative efforts, and you all agreed and committed to working together collaboratively, across a five-person commission, so that is much appreciated. Hopefully, that long-range planning can be done in a shorter amount of time.

Ms. CHANG. Absolutely.

Senator HICKENLOOPER. I yield back to the Chair.

Senator HEINRICH. Senator Cassidy.

Senator CASSIDY. Thank you all, I appreciate your willingness to serve. I really do.

So Commissioner Danly's dissent on the Interim Greenhouse Gas Emissions Policy Statement has fueled discussion about whether FERC should deny projects based upon greenhouse gas impacts. And I am going to ask you to answer quickly because I have lots of questions.

What is your perspective on whether FERC has the authority to incorporate greenhouse gas emissions into commission reviews?

Ms. Chang.

Ms. CHANG. According to the Natural Gas Act, FERC does not specify greenhouse gas as a criteria for evaluating natural gas pipelines.

Senator CASSIDY. And so, presumably, does that mean that you would not vote to deny a project based upon those emissions?

Ms. CHANG. I have not had a chance to review all the court cases in detail, so my understanding is that currently, the statute does not specify greenhouse gas as a criteria to deny any gas—

Senator CASSIDY. And so, therefore, let's just stipulate that it doesn't, would you therefore, since it doesn't include it, is that, just to stipulate, that is going to hold to be the case, would you not use this as a criteria by which to deny a permit?

Ms. CHANG. Again, I will follow the law.

Senator CASSIDY. If you stipulate the law upholds this.

Ms. CHANG. That's right. If the law holds that as a criteria—as not as a criteria for denying a gas pipeline, I will follow the law.

Senator CASSIDY. Mr. Rosner.

Mr. ROSNER. Thank you for the question, Senator. And my approach to this question, if honored to be confirmed, would be to first look at the statute. And the statute here is the Natural Gas Act, and the Supreme Court has said the purpose of that statute is to ensure orderly development of plentiful supplies of natural gas. Now, some courts have said that the Commission needs to consider certain greenhouse gas emissions, and what I can commit to you and this Committee is to first and foremost follow the statute,

which I just stated the purpose of that statute, when making these decisions.

Senator CASSIDY. Sounds great.

And Ms. See.

Ms. SEE. I certainly can't disagree with the Committee to follow the statute. FERC has responsibility. It does have environmental duties underneath that, and I think it is important, of course, to follow existing law. So in terms of the information that FERC is looking at, it would be important to look at those effects that meet the legal requirements of reasonable foreseeability, but at the end of the day, yes, the rule is to follow the law and to look at the criteria that you, as Congress, have given to FERC when it comes to——

Senator CASSIDY. I think I am learning, never ask an attorney for a short answer.

[Laughter.]

Ms. SEE. I apologize, Senator.

Senator CASSIDY. Let me start with you, Ms. See. Again, if you've got this, just a real yes or no would be great. Knowing that EIA calculates that natural gas generation is about 45 percent in kilowatt-hours produced in the U.S. in 2023, and we will need more of it by 2050, particularly as we continue to electrify many things, so, to ask all of you, starting with you, Ms. See, should we continue investing in the nation's natural gas infrastructure, and what is your perspective on the role of natural gas in the U.S. energy system long-term?

Ms. SEE. Well, Senator, I think that you as Congress have told us that the answer to that is yes, in the Natural Gas Act, looking to the purposes of that statute. I also take seriously the concerns of reliability and the important role that natural gas plays in that.

Senator CASSIDY. Sounds great.

Mr. Rosner.

Mr. ROSNER. Thank you for the question, Senator, and I agree that, if honored to be confirmed, I would be strongly committed to the infrastructure that is needed to power our country.

Senator CASSIDY. And you see a role for natural gas long-term in our electrical grid?

Mr. ROSNER. I do.

Senator CASSIDY. And Ms. Chang.

Ms. CHANG. I do as well. When analyzing into 2050, even in New England, we will need as much natural gas generation as we have today in New England to facilitate the reliable grid.

Senator CASSIDY. Now some are suggesting putting impediments toward pipeline development as a way to inhibit the use of natural gas and to augment the use of renewables, even if that imperils reliability. We had a nice hearing last year of people from the middle of the country talking about how having to take coal baseload offline is endangering the reliability of their grid. So this seems to be a strategy of different federal agencies. Now, that said, Ms. Chang, you have expressed a commitment to reliability and affordability. Do you agree with using regulation as a way to inhibit the development of fossil fuels and its deployment for our grid?

Ms. CHANG. My understanding is, under the Federal Power Act, FERC actually does not have jurisdiction over what resources to

choose. It is technology neutral. It is an economic agency. And so, it does not make decisions about which facility or which power plants to actually build.

Senator CASSIDY. Sounds great.

Well, I would like to ask the other two of you, but I am out of time. I yield. Thank you.

Senator HEINRICH. Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you. Thank you, all three of you, for your interest, and thank you for the opportunity to talk with you today.

I am going to jump back to Chair Manchin and some of the questions that he talked to you about. Here is what we know. We have made these big, bold investments in new generation and they are crucial to our future. They are creating jobs, they are good for the economy, they are good for the climate, and we all, whether you want to pick what generation you want, but the all-of-the-above approach is good for this country in moving forward. But let me ask you this, because I am hearing from grid operators that the existing power generating capacity is struggling to keep up with demand and we need a timely and efficient approval process for connecting this new generation. I also understand that while FERC's Order No. 2023 has provided helpful reforms to shorten the time it takes for these new projects to access the grid, more work needs to be done.

So for the three of you, and I will start with Ms. Chang, what additional measures can be taken to enhance FERC's interconnection process and streamline new energy projects and electricity resources online more quickly? And just a caveat, I am working on regulation around this, so this is why this is important for me to have this conversation with the three of you.

Ms. Chang.

Ms. CHANG. Yes, I understand there are quite a number of reforms in Order No. 2023 from FERC. So if I were fortunate to be confirmed, I will continue to work with existing FERC Commissioners and the talented staff to better understand what other impediments or anything else that can be streamlined in interconnecting new generation.

Senator CORTEZ MASTO. I appreciate that, but let me just say, the reports that I am looking at show a staggering backlog of about 2,030 gigawatts of new generation and energy storage, as well as an average wait time of five years to connect to the grid. That's a problem.

Mr. Rosner.

Mr. ROSNER. Well, thank you for the question, and I agree that this is a concern. The country has a huge economic opportunity here, both in terms of connecting new technologies to the grid and also, to meeting growing demand for new industries. So what I would say to this is that ensuring orderly and timely connection of resources to the grid would be a priority. I am aware that the Commission promulgated Order No. 2023. I believe that the first set of compliance with that is due just next month, and if honored to be confirmed, I would work to ensure that we keep a careful eye on that process and also look to solutions to the extent that there are other opportunities to make that process more efficient.

Senator CORTEZ MASTO. Thank you.

Ms. See.

Ms. SEE. I also agree that I think that this issue of interconnection is incredibly important, and when it comes to reliable and transparent and efficient processes, I think that is an important part of the Commission's responsibility in ensuring just and reasonable rates and not being unduly discriminatory or preferential. I understand that there are ongoing proceedings about the Commission's current order. So I certainly would not want to pre-judge anything there. And also, in my current position as a nominee, I don't have access to the information from that comment process that led to that for why the Commission reached the certain approaches that it did, it did not go further, or made those choices. I would certainly be looking closely at this issue. And if I had the honor to be confirmed, I would want to work closely with my fellow Commissioners and FERC staff on this issue and then, of course, with you and the members of this Committee.

Senator CORTEZ MASTO. Thank you.

Each of you in your written testimony today stressed the need for a more resilient and reliable grid. And as we all are aware, extreme weather is one of the primary causes of electric power outages. These events are only expected to increase in frequency and severity over the next several decades. In fact, recent data from the U.S. Congress Joint Economic Committee found that weather-related events were responsible for 80 percent—80 percent of all outages from 2000 to 2021. From each of your perspectives, how can FERC better ensure that transmission facilities are more resilient against the threats of extreme weather?

And Ms. See, I will start with you.

Ms. SEE. Yes, I certainly recognize the important and serious concerns that extreme weather has when it comes to resiliency. I would be looking at this question as any other issue from FERC's authorities. I would be looking at its responsibility for mandatory reliability standards and its oversight of NERC. I think that would be the appropriate way to start. And then also, to take account of this issue when it comes to its role as a ratemaker and a regulator in the wholesale markets.

Senator CORTEZ MASTO. Thank you.

Mr. Rosner.

Mr. ROSNER. Thank you for the question, Senator, and I agree that in terms of the challenges that our grid faces over the coming decades, that this hot and cold weather event issue is at the top of the list, and I believe that in five of the last eleven years we have had power outages or grid emergencies as a result of it. So what I would say is that I am encouraged that there has been some action at the Commission to promulgate hot and cold weather standards that, I hope, will improve this. In the event that there is more to do, which it sounds like there likely is, given what this Committee has heard in the last year, I am committed to working and prioritizing that issue. Thank you.

Senator CORTEZ MASTO. Thank you.

Ms. Chang.

Ms. CHANG. Thank you, Senator, for that question. It is actually something that I hold close to my heart and I happen to have

worked on some—at the very minimal—looking at this issue. It is actually quite complex and extremely critical that extreme weather events are affecting not just transmission, but all assets on the grid, but also as we plan for the future, we have to make sure that the infrastructure can withstand extreme weather events physically and as a system. So I definitely commit to work with you and your staff and also other folks at FERC to make sure that we do better as a country for resiliency.

Senator CORTEZ MASTO. Thank you.

Thank you, Mr. Chair.

Senator HEINRICH. Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman, and welcome to the Committee. Thank you all for your willingness to participate and to serve. I do think it's remarkable this morning that we have three nominees for these FERC positions. I think it's important that this Committee is taking this up in a manner that is pretty civilized, and not pitting individuals against one another, or kind of the political trading that goes back and forth, that we have qualified nominees that are before us, and I appreciate the process that we actually have.

So I have had an opportunity over the years to speak with so many different Commissioners there at the FERC, and what I look for in a FERC nominee is, I want to know that Commissioners will operate with a level of independence, that you bring to the table the expertise that is needed, and that you also act with the urgency that is needed to develop the policies that we need at this time. It has been noted—it is unprecedented actually—what is coming on in terms of the increased demand here in this country and how we are going to be competitive globally. It comes down to our energy supply, our power supply in this country, and how we knit it all together. And FERC is so fundamental to all of that.

So I want to just ask a question to each of you about prioritization, because we talk about reliable and affordable. You have been quizzed by everybody here about, you know, are you an economic regulator or an environmental? I think you have all answered appropriately. But ultimately, it comes down to how do you prioritize all of this? How do you address climate change into this regulatory process at FERC, but how do you deal then with the pressure that you are going to get from an Administration that's laying that down on you?

So I come from a state, as you probably know, where reliability is key, but affordability is absolutely essential. When it's 40 below, it's not like you have the option to not have power in your home for heat, but sometimes that comes at extraordinary cost. So you are actually forced to choose between energy and other necessities. So share with me very briefly, because I have a very important question after this, how you would prioritize between reliability, affordability, and emissions reductions? And if you only had to pick two, which ones are you going to prioritize?

We are going to start with you, Ms. See.

Ms. SEE. Well, I think, again, I would start by following the law and the particular laws that apply to FERC. If I could only pick those two, I am going to pick the two that are in the laws that Con-

gress has put into place and that is going to be reliability and affordability.

Senator MURKOWSKI. Okay, thank you.

Mr. Rosner.

Mr. ROSNER. Thank you for the question, Senator.

For me, the priority is reliability, and I think that comes hand-in-hand with affordability, because without reliability, nothing else really matters. However, balance is also appropriate and the statute provides the balance. If honored to be confirmed, I would drive my decisions off of the statute, court precedent, and I also would do so in a way that, working with colleagues, to find bipartisan, or in many cases, the issues you just rose, I think are non-partisan issues. I think a lot of these issues are fuel-neutral. They are “good of the country” questions that—what I hope is to work on durable, bipartisan or non-partisan solutions with colleagues at the Commission. So thank you for the question.

Senator MURKOWSKI. Ms. Chang.

Ms. CHANG. Thank you very much for the question. I completely share your thought process on the need to balance and choose, if necessary. I do think reliability is foundational because in this country, no one will tolerate a significant outage of anything. And as you say, and I share this from New England, when it's 30 below, there is really no choice but to have a sufficient amount of energy to heat our homes and to power our appliances. So reliability is still number one, and it's the economic engine of our country.

Senator MURKOWSKI. Very quickly, because this is a very important question, and we have been talking a lot about natural gas, but there is more out there beyond natural gas. And I want to talk hydropower for just a moment here because these small-scale hydro projects, certainly in my state, are making a huge difference in reducing the reliance on costly diesel fuel. This is going to be important for us going forward, but we are far from our potential on hydro, and not only in Alaska, but across the country here. But part of this is due to the challenges that are related to the permitting and licensing and just the time that is involved and the cost that is involved. So certainly, timeliness, regulatory certainty, these are two of the five guiding principles there for FERC, but do you think that the current regulatory process to license and re-license hydro projects actually represents these values? And I will give you a hint, I don't think so. But I would hope that within the FERC you would agree that improving these processes would be a priority there at FERC.

Is everybody nodding their heads?

Ms. CHANG. Yes, yes, and I just want to add, I also share your interest and understand the value of hydro—large hydro and small hydro—and Massachusetts is in the same situation, where I see a lot of value in developing small hydro. And I do think improving—any kind of streamlining of the process would be extremely important.

Thank you, Senator.

Senator MURKOWSKI. I am assuming the two of you agree on that?

Mr. ROSNER. Yes.

Senator MURKOWSKI. Ms. See.

Ms. SEE. Yes.

Senator MURKOWSKI. Thank you. And I am going to invite each of you, should you be confirmed, to please come to Alaska. I am not going to ask you to come for a quick weekend. I am going to ask you to commit to multiple days. You probably need five days to see and understand what we are talking about here. I know everyone looks for a good family vacation, and we can work and we can play at the same time.

Thank you, Mr. Chairman.

Ms. CHANG. I want to say for my whole family, we are looking forward to that opportunity. Thank you, Senator.

[Laughter.]

Senator HEINRICH. Senator King.

Senator KING. Thank you, Mr. Chair. I hope it's not an omen that when Senator Murkowski started talking about civility someone in the audience started to cry.

[Laughter.]

Senator KING. And I suspect I may be the only member of the U.S. Senate who has ever applied to FERC for a permit. So I understand the questions that Senator Murkowski was asking.

We have all been talking about grid expansion and the necessity for an enormous expansion of grid capacity over the next 30 to 40 years as our nation electrifies in a whole series of different ways. We have got reliability. You all talked about it. I am worried about cost. Our electric ratepayers are hurting, and for the first time in my memory, the cost of transmission and distribution is exceeding the cost of generation, and that is only going to increase as we go along. My concern is that when we are talking about grid expansion, we first talk about ways to provide additional reliability and capacity without necessarily entirely rebuilding the grid infrastructure. For example, this is the current conductor on a high voltage transmission line. This is a new innovation—carbon based—that will transfer twice the amount of power with less line losses than the conventional wire.

[Photo of the conductors referred to follows:]



Senator KING. The point I am making is, we need to insist that those who are going to be rebuilding the grid do so in the most cost-effective way.

Now, this is more expensive, I suspect, but to double the transmission without having to build new towers, new right-of-way, all of those kinds of things, and as you know, there is something called GETs, Grid-Enhancing Technologies. How can FERC improve or ensure that we do GETs first before we fall back on the more expensive construction option?

Ms. Chang.

Ms. CHANG. Yes, thank you, Senator. That's another topic that I have invested a lot of time thinking through and I, too, like you, believe in advanced technology and we should use to the best possible way to use advanced technology to——

Senator KING. Dynamic line rating, demand response.

Ms. CHANG. Yes, to advance our infrastructure. And as you said, if we can double, and I have heard that dynamic line rating can double some facilities' throughput, and reconductoring with better technology. The innovation of this country should be a leading edge and——

Senator KING. I agree with everything, but I think the question is, how does FERC incent these kinds of developments as opposed to the conventional rate-based incentive toward construction? I think that's the issue.

Mr. Rosner, your thoughts on that question?

Mr. ROSNER. Well, thank you for the question, Senator, and I would just say at a high level, doing more with less is just common sense, and that is a mindset that I, if honored to be confirmed, would bring to the Commission. I think you are alluding to some of the barriers associated with incentives to deploy.

Senator KING. Correct.

Mr. ROSNER. And——

Senator KING. Show me your incentives and I will show you the result.

Mr. ROSNER. Exactly. And if honored to be confirmed, it would be a priority for me to consider whether there are ways that the Commission could overcome those incentives.

Senator KING. Thank you.

Mr. ROSNER. Thank you.

Senator KING. Ms. See.

Ms. SEE. I think it is certainly important that we have so many new developing technologies. I think it's a really important time in the country we are in and an important issue for FERC. I think it's important to respond to all of these new technologies consistent with FERC's statutory authority and I believe that means——

Senator KING. Well, the statutory authority is affordability, which talks about just and reasonable rates.

Ms. SEE. Right.

Senator KING. I would say rates aren't reasonable if they are not based upon the most cost-effective technology.

Ms. SEE. I certainly think that that affordability principle is very important and also the principle when it comes to equal access to the market. I think technologies that are able to provide services—that is baked into the statute—that they should have that equal

opportunity to compete for the ability to provide. I think that's important when FERC is fulfilling its role.

Senator KING. Thank you very much.

In a very short period of time, I think I will leave this question for the record, perhaps. In New England, anyway, and in many parts of the country, the gas pipeline system is essentially part of the grid. Sixty percent of our electricity in New England comes from natural gas, and there is no natural gas in New England. We haven't figured out how to make energy from granite yet. Should we not be thinking about the regulation of the natural gas pipeline system as part of the electric grid? Because if the gas pipeline goes down, you could have the most reliable grid in the world, but that grid is going to go down.

Ms. SEE.

Ms. SEE. I certainly share the concerns about reliability for the natural gas sector, and I think that this is an area where, as I have said before, I would defer to Congress' leadership if there is more responsibility on who the appropriate regulator is in that space.

Senator KING. Thank you.

Mr. ROSNER.

Mr. ROSNER. Thank you for the question, and I share your concern in this area. Again, I echo my colleague here that I would be delighted to provide you and the members of the Committee with technical assistance on this question, and if honored to be confirmed, I would also work within the Commission's statutory authority.

Senator KING. I don't have a pre-determined answer on this question. I just think it's something we need to be thinking about.

Mr. ROSNER. Understood.

Senator KING. Ms. Chang.

Ms. CHANG. I agree with that. Thank you.

Senator KING. Thank you, Mr. Chairman.

Senator HEINRICH. Thank you.

Senator Hawley.

Senator HAWLEY. Thank you, Mr. Chairman. It's nice to see you sitting in that chair, Mr. Chairman. It looks——

Senator HEINRICH. Thank you.

Senator HAWLEY. Looks good.

Congratulations to all the nominees. Thank you for being here.

Let me start with an issue that's very important to the state that I represent. In the Infrastructure Act that Congress passed a year or two ago, the bill amended—now law—amended the Federal Power Act, Section 216, which allows now FERC to designate certain areas as national transmission corridors in the states, under certain conditions. There is a three-part test, but the three-part test is disjunctive, which means that if FERC were to find that the state regulatory agency was not acting within a certain amount of time or pursuant to certain conditions, FERC could step in and say, okay, this is going to be a national transmission corridor. We will approve it. We will send it forward. Why does that matter to the State of Missouri? We have a transmission line called the Grain Belt Express. It's 800 miles. It connects—runs right across the middle of Missouri. It is meant to connect Kansas wind farms to consumers on the East Coast. To say that farmers in my state have

been concerned about this would be a dramatic understatement—dramatic—not least because, as originally planned, this express transmission line contained zero power for the State of Missouri. And then, the corporation that is in charge of it, which is now Invenergy, it has changed hands a few times, but now it's Invenergy, and their CEO was before us not long ago. Invenergy has freely used the power of eminent domain to seize farmers' lands, when farmers, and you can appreciate, many of these farmers have been there for generations. And these are small farms. These are not corporate farms. It's their livelihood. And they said no, we don't want the transmission line to run through our farm. It's going to disrupt our farming. Many of them don't own very many acres. And Invenergy has said, oh, too bad. We are going to come in. We are going to take it. And by the way, you are going to get no power out of it.

Now, they have since amended it. Missouri is going to get a little bit of power, but it's still going right across the middle of the state. Here is what I would like to hear from each of you, and we will start with you, Ms. See, and come down the line there. Will you be wary of using this power that you now have under Section 216 to, essentially, bigfoot state authorities and state regulatory agencies to sidestep them, which, if FERC were to do that, it would also sidestep all of the local citizens, you know, if FERC were to come in and say, we are going to designate this as a national transmission corridor, farmers in Missouri would have no recourse. I mean, at least under the current law, they can go to the state agency, and they have done so. But if FERC is to get involved and just take over the process, their voices would be completely cut out of the deal, in this case, much to the benefit of a very large, very profitable corporation.

So my question to you is, will you exercise extreme care and will you make sure that if/when you are considering such national transmission corridors, you are protecting the rights of local farmers, local ranchers, and local citizens who can't afford to hire lobbyists, who don't own these corporations, who are not getting money out of the deal, but whose livelihoods are tied to the land?

We will start with you, Ms. See.

Ms. SEE. Yes, Senator, Section 216 is an important part of the law. It is no less of a responsibility of FERC than any other part of the Federal Power Act. I would take the same care toward faithfully adhering and applying that law based on the particular facts before me. Of course, I am aware that the Commission is in the midst of rulemaking on this issue, so I would not want to prejudge any particular issues that may come out of that, but when it comes to any issues that may come before me, if I were honored to be confirmed, I would be looking very closely at the criteria that you and the other Members of Congress have put into law and taking into account all of those critically important issues. These are areas that affect many people, many stakeholders, and I think it's critical in these matters, as in the others in the Commission's jurisdiction, to look at all of those incredibly closely and to apply the law that Congress has put in place.

Senator HAWLEY. Okay, good. So you are not going to allow the corporate interests to trump what local farmers and local ranchers

need? Because what will happen is, you and I both know, what will happen is, in these cases, you will have the people who stand to make lots of money on it. In this case, it's a corporation—Invenergy. And they will be telling you how desperately important this is, and who you will not hear from are the multi-generation farmers who live on the land.

So what I want from you is a commitment to remember the people who are actually affected here. I know the corporations will be well represented. I mean, they are probably in this room. But who won't be, unless you take it into account, are local farmers, local producers, local folks.

What about you, Mr. Rosner?

Mr. ROSNER. Thank you for the question, Senator. And yes, I commit.

Senator HAWLEY. Good. That was easy.

Ms. Chang.

Ms. CHANG. I have great respect for states and local farmers, or local peoples, and I also commend that the current FERC has an Office of Public Participation, and I fully support to make sure that we have—we hear the voices that traditionally have not been brought into these cases. So I will also commit to make sure that I look at this type of issue carefully.

Senator HAWLEY. Great.

Ms. CHANG. Thank you.

Senator HAWLEY. Very good.

My time is expired. I have a few more questions for each of you, and Ms. Chang, I want to ask you, in particular, I think in the past you have been an opponent of tariffs on solar panels made in China. I am hoping your view on that has changed, especially in light of the slave labor we now know that China uses for so many of its so-called energy projects. I am thinking the Uyghurs, in particular, but other people are here and want to ask questions so I will give you those for the record and look forward to your responses.

Thank you, Mr. Chairman.

Senator KING [presiding]. Thank you.

On behalf of the Chairman, Senator Hirono.

Senator HIRONO. Thank you.

In addressing the fitness to serve of nominees who come before any of the committees on which I sit, I ask the following two initial questions, and I will just go down the line, starting with Ms. Chang.

Since you became a legal adult have you ever made unwanted requests for sexual favors or committed any verbal or physical harassment or assault of a sexual nature?

Ms. CHANG. No.

Mr. ROSNER. No.

Ms. SEE. No.

Senator HIRONO. Have you ever faced discipline or entered into a settlement relating to this kind of conduct?

Ms. CHANG. No.

Mr. ROSNER. No.

Ms. SEE. No.

Senator HIRONO. For Ms. Chang, Hawaii is transitioning from heavy reliance on imported petroleum to 100 percent renewable power and an economy with net-zero carbon pollution by 2045. Your service as the Massachusetts Under Secretary of Energy and Climate Solutions gave you the responsibility of helping the state manage its energy transition goals while ensuring affordable and reliable energy for the people of your state. How would you apply the lessons you learned to your work as a FERC Commissioner?

Ms. CHANG. Thank you very much, Senator, for that question. I have learned a tremendous amount in my time in Massachusetts. I have learned about various different types of resources as well as demand-side reduction, if we can, across various different resources. So I do believe in making sure reliability is number one because, as I said earlier, without reliability we can't even transition, and no one in this country will tolerate any outages. So I think I understand the complexity of the energy systems through my work in Massachusetts and I will definitely carry that with me going forward. Thank you, Senator.

Senator HIRONO. For Ms. See.

Ms. SEE. I recognize the importance of the Chevron doctrine. I know you are familiar with that doctrine, which recognizes that Congress delegates authority to technical experts in federal agencies selected by Congress to implement federal law in line with our Congressional intent. And under the Chevron doctrine, courts give deference to agency interpretation of federal law. You represented the State of West Virginia in its case against the EPA, arguing to strictly limit agency authority. In its 2022 decision in that case, the Supreme Court used the "major questions" doctrine to basically undermine the Chevron doctrine, and I have a feeling it would not be long before the Supreme Court just totally eliminates the Chevron doctrine altogether. And of course, you are, you know, you are certainly entitled to represent the State of West Virginia in its positions, but I am curious about your views on agency authority given that you have been nominated to lead a critical federal commission. How precise do you think Congress needs to be in delegating authority to agencies? For example, do you think FERC has the authority to consider the carbon pollution impacts of energy infrastructure despite that not being explicitly mentioned in its authorizing statute?

Ms. SEE. Thank you, Senator, and you referenced my work in my current position as an advocate for the State of West Virginia and others, and as you noted, that is a position that is work I have done as a lawyer and I take seriously those ethical duties of zealous representation. I certainly understand that if confirmed, this would be a different role of acting impartially. And I think that would be important when it comes to the role of the agencies. As I have said, my philosophy would be to follow the law. And I would be looking in these areas to see what exactly has Congress delegated and tasked FERC with doing. I would be looking for that best interpretation consistent with governing precedent.

Senator HIRONO. Well, based on your arguments that you made in that case, and the fact that basically the Supreme Court held for Massachusetts, and applied this major questions doctrine, which requires Congress to be very precise in its language and its

delegation of authority to agencies to implement the laws that we enact. That is a tall order because Congress—it's pretty much of a challenge for Congress to deal with whatever contingencies may arise, and that is why there is this doctrine called the Chevron doctrine and delegation of authorities. So my question was, are you going to, pretty much, should you be confirmed, pretty much be limiting your work on FERC to the precise language that is in the law that applies to FERC? And if there is no language that says FERC should consider the carbon pollution impacts of its decision-making, that you would not consider such impacts?

Ms. SEE. Senator, my understanding is that FERC, like any other agency, only has the authority that Congress has delegated to it. I think that the statute is where that authority begins and ends. I would be looking at the language, but also at the other tools of interpretation of the context and purpose that Congress has put into place in laying out the scope of agency authority.

Senator HIRONO. So in other words, you know, I don't want to get into a major argument with you, but we know that the elimination of the Chevron doctrine would be a major change to agencies in implementing the laws that Congress passes, and also that it would require Congress to be very precise. If Congress, for example, prevented people from getting—tried to prevent people from falling through round holes, but somebody fell through a square hole, then under the statute that person would not be protected. You know, I am not making this up, believe me, one of the justices of the Supreme Court made that very clear in how he would interpret federal law and agencies' interpretations.

What you are saying to me really is that you would very much want to look at the precise language of the law and I think we need to be very aware of that.

Thank you, Mr. Chairman.

Senator KING. The Senator from Montana, on behalf of the Chairman.

Senator DAINES. Thank you, Mr. Chairman, I appreciate that.

I want to congratulate all the nominees and to thank you for your service. Going through this confirmation process is not easy. It's not fun. So thank you.

I am going to ask a number of questions to all three of you. I would like you to keep your answers, if you could, short and precise.

Behind me is the mission statement of FERC, which is both on the website and was republished just recently, in February 2024. [Poster displaying FERC mission statement follows:]

Federal Energy Regulatory Commission

The Federal Energy Regulatory Commission (FERC or the Commission) is an independent federal agency that regulates key aspects of the electricity, natural gas, and oil industries. FERC's mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost through appropriate regulatory and market means and collaborative efforts.

Senator DAINES. It states that FERC's mission is to, and I am quoting, "assist consumers in obtaining reliable, safe, secure, and economically efficient energy." FERC is not a climate regulator. FERC is not President Biden's climate commission. FERC is an independent body that focuses on safety and economics, period. My question, and yes or no, do you agree that FERC is an economic and safety regulator and not a climate regulator?

We will start with Ms. Chang.

Ms. CHANG. Yes.

Senator DAINES. Mr. Rosner.

Mr. ROSNER. Yes, sir.

Senator DAINES. Ms. See.

Ms. SEE. Yes.

Senator DAINES. Former Chairman Glick pushed forward controversial proposals that refocused pipeline approvals away from consumers and toward climate regulators and climate regulations, far outside of FERC's statutory jurisdiction. Current Chairman Phillips, after hearing from bipartisan members on this Committee, has rightfully kept those proposals sidelined. Another yes or no—do you agree that Chairman Glick's proposals were outside of FERC's jurisdiction, and do you support the Commission's decision to pull those back?

Ms. Chang.

Ms. CHANG. I understand the tension. I have not reviewed everything in that policy statement—in those policy statements—and if I were fortunate enough to be confirmed, I will dedicate my time to better understand the issues at hand.

Senator DAINES. Is that a yes or a no?

Ms. CHANG. That's a yes that I will commit to understanding the issues, and I definitely support the current Commission's decision, but again—

Senator DAINES. But you might bring back the prior Commission's direction?

Ms. CHANG. No, I'm sorry, the current Chair's—

Senator DAINES. Current Chair's, okay. Yes.

Ms. CHANG. Current Chair's approach.

Senator DAINES. Mr. Rosner.

Mr. ROSNER. Thank you for the question, Senator, and I do agree with Chairman Phillips' approach, and if honored to be confirmed, my focus at the Commission would be ensuring that we have predictable, transparent, durable, and fair policies that are grounded in the statute and court precedent.

Senator DAINES. And the reason this question is important is because it literally was a shift in direction from where Chairman Phillips was and where Chairman Glick was. I mean, a clear change in philosophy and direction.

So Ms. See.

Ms. SEE. Yes, Senator, I recognize that dramatic shift in direction. I think it is important to follow all of the laws that apply to the Commission. There are some environmental duties that Congress has given in NEPA, but I think you are absolutely correct when it comes to the primary purpose in the Federal Power Act and the National Gas Act. I think it is very important that FERC

takes its role seriously as an economic regulator and follows all aspects of the law that apply to it.

Senator DAINES. I want to move to LNG. President Biden recently weaponized the Department of Energy to pause approvals for LNG exports, which actually overall reduced carbon, putting our allies and our own economic and energy security at risk. FERC also plays an important role in LNG export terminal approvals, but unlike DOE, you are an independent agency. Here is my question: Will you commit to review all LNG export terminal approvals solely through FERC's statutorily defined economic considerations and not through President Biden's climate agenda?

And to be fair to Ms. Chang, I will start from this direction and go this way. So you have to be the leadoff hitter.

Ms. See.

Ms. SEE. Yes, Senator, I think it's very important that FERC has an independent role here. I would be looking to FERC's separate statutory authorities, which are distinct from the Department of Energy's authorities. And I would commit to the timely review of any applications that come before FERC, if I were honored to be confirmed.

Senator DAINES. Mr. Rosner.

Mr. ROSNER. Thank you for the question, Senator, and yes, FERC has its own statute and its own responsibilities under that statute, and I commit, if honored to be confirmed, to following that statute, following court precedent, and making decisions in a timely manner. Thank you.

Senator DAINES. Ms. Chang.

Ms. CHANG. I agree.

Senator DAINES. Okay, thank you.

My last question, and then I see Senator Hoeven has arrived, so I will try to keep this brief. Senator Cantwell and I have introduced the largest bipartisan hydropower permitting reform bill in 20 years. Current relicensing timelines take nearly a decade and cost millions of dollars for this reliable, low-cost, zero-carbon source of power. Yes or no, do you agree that we need to speed up the permitting timelines for hydropower licensing and relicensing in order to continue to grow our hydropower portfolio?

Ms. Chang.

Ms. CHANG. Thank you for your question, Senator. I always support streamlining and being more efficient in our processing of licenses and applications. So I will dedicate my time, if I have the fortune to be confirmed, to look into this question because I need to actually understand what the constraints might be before understanding how much streamlining could be conducted. Thank you.

Senator DAINES. Mr. Rosner.

Mr. ROSNER. Thank you for the question, Senator, and I commend you for the impressive bipartisan effort that has emerged under your leadership. Timely review of hydropower licenses and relicensing is a priority for me. Thank you.

Senator DAINES. Ms. See.

Ms. SEE. And Senator, I certainly agree with the importance that hydropower has. I think that efficiency and thorough review is very important. I also understand the different responsibility that FERC has when it comes to these licenses that includes a number of fac-

tors that may not be present in other contexts, particularly safety factors, which can be critically important in this area. So certainly, I commit to the importance of timely review, understanding the thoroughness of the task that Congress has given to FERC in this area.

Senator DAINES [presiding]. Thank you.

As the Acting Ranking Member, who has been delegated from the Acting Chairman, I will now delegate both the Chairmanship and Active Ranking Member responsibility solely to Senator Hoeven to not only ask your questions, but to run the rest of the hearing.

Senator Hoeven.

Senator HOEVEN [presiding]. Thank you, Mr. Chairman—Mr. Acting Chairman. And now, as the Acting Chairman, I think there are all kind of things that we need to conduct today as far as—

[Laughter.]

Senator DAINES. I am here for unanimous consent, Hoeven, if you want to, so all right.

Senator HOEVEN. This could go for a while and we may have a few votes, we will see.

[Laughter.]

Senator HOEVEN. Thanks to all of you for being here. We appreciate it very much.

I want to talk about baseload, you know, that power that is available 365 days a year, and you know, on the coldest day, and on the hottest day, in spite of whatever kind of weather we have and so on and so forth, so to have baseload, that means we are going to need to have things like coal. And in states like mine, we are doing some amazing things with carbon capture. We have addressed SO_x, NO_x, mercury, and now we are going to crack the code on CO₂ capture too. We already have a coal gasification plant that both captures CO₂ for enhanced oil recovery (EOR) and it captures CO₂ for geologic storage. The EOR is about 50 percent of the CO₂ stream. The geologic storage is another 35 percent. That takes it up to about 85 percent, and they are working up from there. Okay?

We have a cooperatively owned traditional coal-fired plant that's got a program called Project Tundra, where they are working very closely with the Department of Energy and others, and they are moving forward with capturing CO₂ on a traditional coal-fired plant. And we also have an investor-owned plant at Coal Creek that is seeking to do the same thing using the 45Q tax credit, which we worked to get in place. Okay?

So I emphasize, we have had to deal with various emissions issues in the past—SO_x, NO_x, mercury, and others. Okay? And now, they are working to capture CO₂ and both use it for other energy as well as geologic storage, but this is something that needs to be done, you know, on a broad basis, so that it's commercially viable, you know, with the kind of programs that get us to that point. And so, my question to you is, given all that, are you willing to support making sure that we get energy from all sources, including coal, with these latest, greatest technologies that we are not only developing, but deploying?

And I would like a response from each of you, starting with you, Ms. Chang.

Ms. CHANG. Yes, thank you, Senator. And I am fortunate to know a little bit about the coal facilities as well as the projects to capture carbon emissions and store them in North Dakota. And your state has the geology to actually do that. I am super-excited for the United States to lead in this technology and use the tax credit that is made available through the various different legislation to make this happen. And so, I do see that as a potential future and a bright future for our ability to capture emissions while still using our existing fuel resources in this country. Thank you.

Senator HOEVEN. You set a very high bar with that answer. So I don't know, Mr. Rosner or Ms. See, if you want to follow or not, but that was a pretty good answer.

Mr. ROSNER. Well, I will try. Thank you for the question, Senator, and I admire your leadership on carbon capture technology. What I will say is this—that the past decade of grid challenges has shown us that there is strength in diversity, a fuel mix, and that I recognize that and understand that, and if honored to be confirmed, that will be something that I pay close attention to.

Senator HOEVEN. Thank you.

Ms. SEE. And at the risk of ruining a good thing, I certainly agree. I think one of the things that I have had the opportunity to think through in my current role as a state lawyer and working with a number of other states, including your state, is seeing the different resources and innovation and opportunities that states have when it comes to contributing to our power grids. I think that is incredibly important, and I think, certainly, when you talk about the concern about baseload power, that is a concern that I take seriously, and that wouldn't be one that's just coming from me. I look at the warnings that we are receiving from electric reliability regulators, from NERC, and from some of the organized power grids who talk about the importance of this issue too. Certainly, FERC's role is to be fuel-source neutral and to support the choices and preferences of the state to make these important generation decisions, but I think it is important to look at all of those sources, including the important ones you are talking about and the innovation we are seeing.

Senator HOEVEN. Which leads right into my second question. When you talk about being fuel-source neutral, some people call it using all-of-the-above energy policies, but some people talk about it, but they don't really advocate for it. They really want to put up barriers in a lot of different ways. So for example, for regional grid operators, if they come in and they decide we only want one kind of energy, and we are going to skew pricing and regulatory approvals and those kinds of things in our, you know, in our system, what is FERC's role in making sure—well, wait a minute, not only do you need 24/7 baseload, you know, throughout your region, but you affect the other areas as well. And if you are putting externalities on power providers that are bringing power into your regional grid system, that can affect the ability to have all sources of energy out there making sure we have this baseload, and it can undermine the stability of the grid.

It seems like this is a really important thing for you all to be on top of and make sure that we have—that we don't have those kinds of problems put up, you know, with a patchwork around the country, right? What do you do about that? How do you make sure that is addressed?

Starting with Ms. Chang.

Ms. CHANG. Yes, thank you, Senator. If I understand your question correctly, I do think, one, FERC is a technology-neutral regulator, economic regulator. And my understanding is the system operators and the regional transmission organizations are also technology neutral. So to the extent that—

Senator HOEVEN. But.

Ms. CHANG. To the extent that the market design is somehow, as you say, skewed, I think FERC does have a role to make sure that market design and the processes of processing projects, such as transmission projects, and interconnecting through the transmission infrastructure, is also technology neutral.

Senator HOEVEN. How do you do that? If the system operators are skewing the playing field, how do you do that?

Ms. CHANG. I think one is to investigate first, what kind of biases, as you have suggested, exist. And my close workings with RTOs and ISOs is that they tend to be technology-neutral in their way of thinking. So it will be very interesting, and I definitely would be interested in devoting some time to understand your concern. I would be happy to work with you and your staff to better understand that topic.

Senator HOEVEN. I would appreciate that.

Same question, Mr. Rosner and Ms. See.

Mr. ROSNER. Well, thank you, Senator, and I think the American public is best served by a regulator that embraces the durability of a fuel-neutral approach to its decision-making. I think the grid works best when we allow the grid resources to provide all of the services that they are technically capable of providing, regardless of what fuel is powering them.

Senator HOEVEN. But if they skew the playing field, does FERC have a role?

Mr. ROSNER. I think, yes, absolutely. I think FERC's responsibility is to make sure that we are providing reliable, affordable energy at a reasonable price, and if the role is skewed, then I would wonder whether we are actually realizing those goals.

Senator HOEVEN. Ms. See.

Ms. SEE. And Senator, I agree that I think FERC certainly does have a role. I think one area that we haven't talked about as much is when it comes to its authority for just and reasonable rates, and part of that is making sure that we have the right market incentives to make sure that we have the innovation that we need, but also that we are respecting it and properly valuing the generators that we currently have. I think having an accurately functioning market that is sending those right price signals is an important piece of FERC's jurisdiction in this question.

Senator HOEVEN. Okay. I know I am going a little bit over here, but last question: Look, everyone talks about permitting reform. You hear it all the time. The challenge with permitting reform, it always gets complicated and turns into some of the same problems

we have now where, you know, the rules, regulations, law, and everything else, gets interpreted so many ways and you end up with the same kind of maze that people can't figure their way through. And so, you don't really have the streamlining that you are trying to get with regulatory reform. One of the things that we did last year was try to say, okay, and put it in legislation, but already it's getting, I think, changed. And that is, for an EA, it needs to be done in one year or the project is deemed approved, and for an EIS, it has got to be completed in two years or the project is deemed approved, so that we don't go, you know, with these five, seven-year processes and then end up in litigation to boot.

What is your reaction to this approach of—we are going to have to simplify it or we are not going to get any streamlining into—

Ms. CHANG. Thank you, Senator. I am always in favor of streamlining processes. However, I also understand that some processes are complicated or can be complex. So I have not studied exactly what the constraints are in these processes for permitting. So I generally support streamlining permitting.

Senator HOEVEN. Mr. Rosner.

Mr. ROSNER. Thank you, Senator. Timely review of infrastructure is essential. It's essential to achieving our economic prosperity in the country and capturing all the economic opportunity on the horizon. If honored to be confirmed, timely review of infrastructure would be a priority for me.

Senator HOEVEN. Good.

Ms. SEE. And I agree. I certainly appreciate Congress's leadership when it comes to more clarity in this area and giving particular time frames. I think that is something that is important to carry out. My understanding is FERC had already been doing that in a large respect, and I know that it is committed to doing the same from conversations I have had. I look forward to looking into that issue, but I think that this is an area where predictability and certainty matters. And I appreciate the leadership Congress has shown of putting more of those standards into the law.

Senator HOEVEN. But you would agree that we need to do more?

Ms. SEE. I do agree that efficient permitting is very important. I think it's important to look at all the factors that you and Congress have told FERC to look at. It is important to be thorough in that responsibility, but I do think that all of the stakeholders are entitled to have their government work quickly as they are moving through those requirements and procedures.

Senator HOEVEN. Thank you.

Okay, thanks to all three of you, I appreciate you being here and look forward to working with you. We appreciate you being here, your responsiveness to our questions and concerns, your willingness to take on, obviously, these very important tasks.

Members will have until 6:00 p.m. tomorrow to submit additional questions for the record.

And I would like to conduct a little more business, but it's probably best if I don't, so, we are adjourned. Thanks so much.

[Whereupon, at 12:06 p.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

**U.S. Senate Committee on Energy and Natural Resources
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Questions from Senator Ron Wyden

Question 1: How will you prioritize the building out of new transmission lines to bring more renewable energy online and shore up the resilience of our electrical grid?

Answer: I have spent many years working on methods to improve transmission planning, both in my private sector experience and in state government. This is an area where I can contribute significantly if I were confirmed. In addition, I understand that the Commission is currently considering reforms to its transmission planning and cost allocation rules via the Notice of Proposed Rulemaking in Docket No. RM21-17-000, entitled Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection. Further, the Commission has issued Order No. 2023, entitled Improvements to Generator Interconnection Procedures and Agreements, to facilitate more streamlined interconnection of new generation, including new renewable energy generation. If confirmed, I will support the Commission's efforts regarding these issues to ensure the transmission system continues to serve load in a reliable and economically efficient fashion. A diversity of resources and a certain degree of redundancy helps resilient operations of the grid because they allow the system to better withstand failures during unexpected events. If given an opportunity, I commit to working with my colleagues on these important issues and on other matters that may ensure adequate resources and reliability.

Question 2: How will you position FERC to best handle physical and cyber security threats to critical water infrastructure such as hydroelectric facilities?

Answer: Using FERC's *Security Program for Hydropower Projects* as guidance, the Commission's Office of Energy Projects conducts physical and cyber security inspections and audits of FERC jurisdictional hydropower projects. I understand that FERC staff work closely with Licensees to ensure that issues are understood and addressed and that inspections and audits are prioritized based on the Licensee's portfolio and on the risk posed by the hydropower facility. Additionally, I understand that FERC staff coordinate regularly with other federal dam sector partners and share information regularly with Licensees to provide best practice information. If confirmed, I will support these ongoing efforts and work with my colleagues to consider any improvements to the current procedures.

Questions from Senator James E. Risch

Question 1: I am concerned about FERC encroaching on the states' role in ensuring their citizens receive reliable and affordable power. It seems FERC will soon be issuing new rules on transmission planning and cost allocation that could force states to accept transmission lines that traverse their land and funded by the citizens of the state even though they will receive little or no benefit.

- Will you commit to working with state public utility commissions and give deference to their determinations as to whether new electric transmission lines benefit or harm their citizens?

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Answer: As a former member of state government working in energy, I have great respect for the views and determinations of state public utility commissions, especially in matters related to electric transmission facilities. As such, if confirmed, I commit to working with states and considering their views in my decision-making process, consistent with all applicable laws.

- Will you commit to never forcing a State to either unwillingly build transmission or unwillingly authorize transmission to be built?

Answer: Although I am not a lawyer, my understanding is that the Federal Power Act (FPA) does not empower the Commission to compel a state to build transmission facilities or authorize them to be built. While the Commission has limited backstop siting authority under section 216 of the FPA, that authority does not, as I understand it, extend to forcing a state to build or authorize transmission facilities.

Question 2: One of the biggest questions surrounding the development of long, interregional transmission lines across the country is answering, “who pays.”

- Do you commit to not imposing the cost of transmission on customers who do not directly and quantifiably benefit from the lines?

Answer: My understanding is that the FPA requires the Commission to ensure that any costs that customers pay for transmission facilities are roughly commensurate to the benefits that they receive from those facilities. If confirmed, I commit to following that requirement.

- Do you commit to respecting the preferences and role of the states through which these lines might be sited, especially if state commissions oppose passing the cost of the lines on their consumers?

Answer: As a former member of state government, I respect the preferences of states and believe that the Commission should carefully consider them as part of all its decision-making processes, especially when it comes to important and sometimes controversial matters, such as electric transmission cost allocation. If confirmed, I commit to carefully considering states’ views on these issues expressed in the record of Commission proceedings.

Question 3: The Federal Power Act gives states authority over generation decisions. Should FERC give states deference on how they generate electricity?

Answer: As you indicate, the FPA gives the states authority to determine their generation portfolio mix. If confirmed, I pledge to follow the jurisdictional lines that Congress drew in the FPA.

Question 4: Should FERC give states deference in determining whether or not to join organized markets?

Answer: Yes. I believe that is a decision best left to the states.

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Question 5: Should FERC give states deference in implementing PURPA regulations?

Answer: Under PURPA, the Commission is tasked with developing rules for implementing the statute, but Congress left to the states the authority to implement those rules. If confirmed, I will follow the lines that Congress drew in PURPA.

Question 6: Hydropower is an important component of Idaho's energy mix. In fact, about 60 percent of the electricity used in Idaho each year is generated by hydropower. What are your general views about hydropower? In your opinion, do you consider hydropower to be a renewable energy source?

Answer: Hydropower is one of the most valuable power generation sources that the United States has. I consider hydropower a clean energy resource.

Question 7: Despite its many benefits, licensing or relicensing a hydropower facility takes several years. In Idaho, we've seen relicensing take more than a decade. FERC issues hydropower licenses, but the approval process involves many other federal and state agencies working under various independent statutory authorities. This can lead to delays, redundancies, conflicts, and increased costs that are ultimately borne by ratepayers. Do you believe Congress should simplify this process to ensure reasonable timeframes for decisions? If not, please explain why you believe the current process is working.

Answer: I believe that all government processes should be as efficient and cost-effective as possible. If I am confirmed, I will be glad to work with my colleagues and Congress to improve the hydropower licensing process.

Question 8: The issue of how the Commission considers Greenhouse Gas (GHG) emissions in its certificate proceedings, and the usefulness of the "Social Cost of Carbon" (SCC), has been a topic of considerable debate at FERC. The Commission has consistently held, most recently in the so-called "Driftwood compromise," and in subsequent Commission orders, that there is no "scientifically accepted method that would enable the Commission to determine the significance of reasonably foreseeable GHG emissions" and "calculating the social cost of GHGs does not enable the Commission to determine credibly whether the reasonably foreseeable GHG emissions associated with a project are significant or not significant in terms of their impact on global climate change." This method of not using the SCC to determine significance has been upheld by the D.C. Circuit. This is appropriate because Congress has directed FERC to oversee energy markets and infrastructure development, not regulate greenhouse gas emissions.

- If confirmed, will you commit to abide by FERC precedent including the "Driftwood compromise"? Why or why not?

Answer: While I understand the concern and the tension around the examination of greenhouse gas emissions associated with the Commission's certificate proceedings, I have not yet had the opportunity to examine the relevant court cases and precedents in detail. If I am confirmed, I commit to looking closely at this issue and abide by the law.

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Question 9: The United States has been blessed with plentiful reserves of natural gas that can serve both our own needs and support our allies abroad. Likewise, we have an incredible interconnected system that stretches across the country to bring natural gas from production areas to regions of the country in need of energy. Natural gas may be produced hundreds or even thousands of miles from the pipeline it is traveling through and the area in which it is consumed. In addition, natural gas production is unpredictable, with individual wells producing at variable rates based on commodity prices and geology. Natural gas *production* is also outside of the legal jurisdiction of FERC. As such, the Commission's current practice has correctly and appropriately not viewed upstream emission impacts from production as reasonably foreseeable under NEPA.

- Do you agree with the Commission that upstream GHG emissions are not reasonably foreseeable under NEPA? Why or why not?

Answer: I understand the tension around this topic. I have not yet had the opportunity to review the legal precedents and court cases associated with this question. If I am confirmed, I commit to carefully examining this issue.

Question 10: Like upstream emissions, it is often impossible for the Commission to reasonably foresee downstream emissions. When gas is transported to shippers, such as a local distribution company, there is no way for the Commission nor the project proponent to determine what the downstream emissions impacts will be, because their visibility ends once natural gas enters the local utility system. In addition, some natural gas projects transport gas to liquid trading points within the interstate system. The ultimate destination and uses of this gas is unknowable.

- Do you agree that except in very narrow circumstances the Commission cannot reasonably foresee downstream emissions for interstate natural gas pipelines?

Answer: I understand the tension around this question but I have not had the opportunity to examine prior Commission decisions or other legal precedents in detail. If I am confirmed, I commit to carefully examining this issue.

- Do you agree that a so-called "full burn" estimate used to determine the emissions impacts of downstream emissions fails to accurately consider such emissions because it does not reflect typical utilization rates, and is therefore inappropriate for the Commission to use when considering certificate applications?

Answer: I have not had the opportunity to examine this issue. However, this is a matter that I will carefully study if I am confirmed.

Question 11: The Commission has consistently rejected the social cost of GHGs as being inappropriate for consideration in the Commission's public interest determinations. The Commission has clearly spoken in numerous orders on this issue. Will you commit to abide by FERC precedent on the use of the social cost of GHGs?

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Answer: I understand the tension around this issue and that the Commission has addressed it in prior proceedings, but I have not had the opportunity to examine it in detail. If I am confirmed, I commit to carefully examining this issue.

Question 12: Longstanding FERC precedent, as well as the text and intent of the Natural Gas Act, supports the use of long-term precedent agreements as the strongest indicator of market need for natural gas projects. Natural gas pipeline companies and their shippers are sophisticated commercial entities and only enter such long-term binding contracts if they are certain that the project makes economic sense and is truly driven by market need. Do you agree that long-term precedent agreements remain the single most important demonstrator of need for FERC's public interest determination? If not, why not?

Answer: I understand that long-term precedent agreements, particularly between unaffiliated companies, present evidence for the need for a proposed project.

Questions from Senator Maria Cantwell

Question 1: ANTI-MARKET MANIPULATION ENFORCEMENT

In the wake of the Enron scandal, Congress required greater transparency in electricity and natural gas markets. And empowered FERC to go after bad actors who manipulated markets to exploit consumers. Since 2005, FERC has built a permanent cadre of internal energy experts that continually monitor and investigate anomalous market trends. And anticompetitive behavior. These policemen on the beat have uncovered numerous schemes. To date approving over 130 settlement agreements, assessing over \$800 million in civil penalties, and disgorging over \$550 million in illegal profits.

- Do you believe energy markets can be competitive, and produce just and reasonable rates, if they are not free from market manipulation and other forms of fraud?

Answer: No.

- If FERC determines that an energy market participant made financial gains based on fraud or manipulating markets, do each of you believe those misbegotten gains should be promptly returned to injured parties or consumers?

Answer: Yes, as a general matter, although I would need to examine the facts and circumstances present in any particular proceeding. It is my understanding that requiring disgorgement of unjust profits is consistent with long-standing Commission practice.

- What additional authorities, if any, would you like Congress to grant FERC to further augment their ability to prevent fraud and market manipulation?

Answer: I understand that this is an important topic. I have not yet reviewed any proposed changes to the Commission's authority on enforcement matters. If I am confirmed, I will examine this issue with great care.

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- What are your views of the Energy Consumer Protection Act which would empower FERC to permanently ban entities that have been caught manipulating electricity or natural gas markets from trading in energy markets ever again.

Answer: I have not yet reviewed potential proposed changes to the Commission's authority on enforcement matters. If I am confirmed, I will examine this issue closely. If Congress gave the Commission that authority, I commit to enforcing that aspect of the law.

Question 2: MANDATORY RELIABILITY STANDARDS FOR PIPELINES

FERC has already approved and enforced key mandatory reliability standards for the bulk electric system. Standards that work well and have been around for well over a decade now. But there are no comparable mandatory and comprehensive standards for the nearly three million miles of natural gas, oil, and hazardous liquid pipelines that cross the United States.

- Do you believe that the reliability of the bulk power system is interconnected with the reliability of the natural gas pipeline system?

Answer: Yes. Natural gas generation has become an increasingly important part of the resource mix in recent years and is expected to remain critical to maintaining electric reliability in the years to come.

- Are you concerned about the reliability of America's natural gas pipeline system due to a growing number of cybersecurity threats?

Answer: The security of the nation's critical infrastructure, including the natural gas pipeline system would be one of my top priorities if confirmed. I believe that the Commission should consider all possible steps to ensure this security, including working with federal partners, such as the Transportation Security Administration (TSA), which oversees the cybersecurity of the natural gas pipeline system.

- Do you believe that the mandatory cybersecurity standards that FERC has been setting for the bulk power sector have increased the grid's resilience to cyberattack?

Answer: Yes. My understanding is that the mandatory North American Electric Reliability Corporation (NERC) critical infrastructure protection standards provide a robust baseline level of protection against malicious cyber actors.

- Are you concerned that future hydrogen pipelines also be vulnerable to cyberattack without mandatory reliability and cybersecurity standards?

Answer: The security of the nation's critical infrastructure, including any future hydrogen pipelines, should continue to be a top national priority when considering potential vulnerability to cyberattacks.

Question 3: BENEFITS OF HYDROPOWER RELICENSING REFORM

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Hydropower not only makes up over 1/3 of the renewable energy generated in the United States, and supplies two-thirds of ALL the electricity used in Washington state. I understand that right now on average, relicensing a hydropower facility takes seven years and the paperwork costs \$3.5 million. Which does not include important costs of new turbines, fish passage, or dam safety investments. This is despite the reforms Senator Larry Craig and I worked on in 2004 and was included in the 2005 Energy Bill.

- Do each of you agree that we need to protect this critical source of renewable energy by streamlining and modernizing the hydropower permitting process?

Answer: Yes.

- Senator Daines and I have a bipartisan relicensing reform proposal – the Community Hydropower Improvement Act, will you commit to continue working with me and my staff to ensure that we get this bill right?

Answer: Yes.

Question 4: INCREASING GRID COMMUNICATIONS CAPABILITY IMPROVES GRID RELIABILITY.

One particular grid reliability opportunity I'd like to get your views on is installing fiber on top of transmission towers. More communication bandwidth can empower generators and grid operators with closer to real-time data and visibility they need to respond to extreme weather and cyberattacks. More bandwidth is also essential to integrating more distributed resources and the intermittent renewable power sources we need to make our energy system more diverse and affordable. And fiber not only provides a way to affordably transmit massive amounts of data, it can do so in a physically secure manner. And this kind of fiber networks can provide private, closed-loop, cyber secure communications networks that hackers can't get into. And could provide the backhaul, middle-mile capacity needed to bring affordable broadband to essentially every household or business that currently serviced by the grid.

- Do you agree that expanding communications capacity-- along the grid's existing rights-of-way-- could provide significant co-benefits for grid reliability, resiliency, and modernization?

Answer: I agree that expanding the use of fiber optic communications can provide many benefits including improved communications for generating resources and other grid-connected devices as well as more secure communications for utilities.

- Would a federal cost share, like what is proposed in the bipartisan GRID Broadband Act, allow utilities to accelerate grid fiber deployment?

Answer: I have not examined the GRID Broadband Act, but in general, opportunities for federal cost-shared grants can spur additional interest in utilities in building their own fiber optic networks or working with private sector partners to do so.

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- Should any new transmission lines approved by FERC be required to include this sort of communications capacity if it shown to improve reliability and be in the public interest?

Answer: I have not reviewed the Commission's authority in this area in detail. If confirmed, I will do so promptly and be available to discuss with you or your staff.

Question 5: NEED FOR MORE TRANSMISSION

Currently, a lack of transmission capacity has caused lengthy interconnection queues, stalling billions in urgently needed new generation. This has resulted in increased electricity costs for consumers. It has meant too many missed rural economic development and job creation opportunities in the communities that need them most. A recent study found that U.S. consumers paid an estimated \$13.4 billion in 2021 because of some power lines were too congested to deliver the lowest cost electricity available.

- Do you agree that building out our nation's transmission capacity is needed to transition to a more diverse and affordable electricity supply?

Answer: Yes. Increases in transmission capacity can improve reliability and help relieve congestion so that energy from lower-cost generation resources can be delivered to consumers.

- What do each of you think FERC needs to be doing to encourage or require utilities and other companies to build out the grid?

Answer: The Commission is currently considering reforms to its transmission planning and cost allocation processes in the Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection NOPR proceeding, in which it proposed to require transmission planners to conduct longer-term, more comprehensive regional transmission planning. As that issue may come before me if confirmed, I do not want to prejudge how I might act upon it.

- One of the biggest impediments to transmission development is cost allocation – ensuring that those that benefit from transmission are assigned their fair share (but no more) of the costs. Do you think FERC has sufficient authority to properly allocate costs or do you think Congress needs to act to clarify the Commission's authority?

Answer: Yes, I believe the Commission has sufficient authority to ensure that costs of transmission facilities are properly allocated to those that benefit from those facilities. Nevertheless, if Congress were to clarify or augment that authority, then I would implement any such changes.

- In the Northwest, BPA owns 75% of the high voltage transmission. I have been able to get BPA additional borrowing authority to invest in transmission. How can FERC help BPA plan for needed transmission in the region?

Answer: I understand that the Commission's authority with respect federal power marketing administrations such as BPA is limited. I also understand that the Commission can support

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voluntary, collaborative planning efforts between BPA and Commission-jurisdictional public utilities, and, if confirmed, I commit to studying this issue carefully to understand what the Commission can do in this regard.

Question 6: ENERGY EFFICIENCY QUALIFYING AS A WHOLESALE MARKET RESOURCE

FERC has historically supported energy efficiency participating as a resource in the FERC jurisdictional wholesale markets. Currently, energy efficiency resources are allowed to sell into three Regional Transmission capacity markets. This allows energy efficiency to participate on an equal footing with electric generating facilities. In addition, FERC Order No. 2222 allows aggregators to sell bundled energy efficiency into Regional Transmission markets.

- Do you think that energy efficiency has an important role to play in FERC jurisdictional wholesale markets? If so, please elaborate.

Answer: I believe that all resource types that meet the technical requirements to offer a given service in a wholesale energy, ancillary service, or capacity market should be permitted to do so.

Question 7: WILDFIRES AND LOW-SAG ADVANCED TRANSMISSION LINES

As we enter the summer months, we are increasingly concerned about wildfires are huge and growing in my state. One ignition source for wildfires are old powerlines that sag and come in contact with trees and vegetation. There are technologies, such as low-sag advanced conductors, that could help. I understand that these transmission lines are utilized widely around the world and can move two times the amount of power at the same voltage while not experiencing the same sagging under heavy use that is experienced by steel core transmission lines.

- What do you think the Commission do to facilitate the wider use of this low-sag transmission technology that has the potential to increase line capacity by getting more out of the existing grid while minimize wildfire risk?

Answer: I believe that advanced technologies can provide significant benefits and, if confirmed, I commit to working with my colleagues to realize those potential benefits in a cost-efficient manner.

- What role generally do you think FERC can play in reducing the risk of wildfires that have been linked to the electricity grid.

Answer: FPA section 215 gives the Commission authority over the reliable operation of the interconnected electric transmission system. Those standards include requirements for transmission operators to maintain vegetation around their lines. If confirmed, I will work with my colleagues so that the Commission continues to encourage NERC and its Regional Entities to carefully monitor compliance with the relevant reliability standards in areas where there is a risk of wildfires.

- What role generally do you think FERC can play in preventing planned or unplanned blackouts associated with wildfires?

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Answer: I understand that the Commission's role with respect to planned or unplanned customer outages due to wildfires is limited, as this issue primarily falls to the states. I also understand that the Commission has initiated efforts designed to minimize the impact of wildfires on the grid, including initiatives that consider extreme weather events when conducting transmission planning. If confirmed, I would work with my colleagues at the Commission to support these important efforts.

Questions from Senator Mike Lee

Question 1: Recent winter weather events have highlighted the ongoing importance of natural gas for heating and power generation. For example, a 2023 report from FERC demonstrated just how close thousands of New Yorkers came to being trapped in their homes without heat during Winter Storm Elliott.¹ Had the record cold snap continued, the human harm caused by gas shortages would have been catastrophic.

Increased deployment of renewables and retirement of coal assets have made the grid more reliant than ever on gas as a dispatchable source of baseload power. According to the FERC report, Winter Storm Elliott is just one of several instances over the last decade in which unplanned cold-weather generation outages jeopardized reliability. Clearly, these events illustrate the fact that gas pipeline capacity is needed in the foreseeable future to maintain a resilient system and mitigate outages that threaten human life.

According to the Energy Information Administration, "the least U.S. interstate natural gas pipeline capacity on record was added in 2022" with FERC certifying "only five projects that increased capacity to transport natural gas," most of which were "minor expansions to upgrade compressor stations" with "only one project adding a relatively small amount of new pipe."²

A) Do you believe it is fiscally responsible for utilities and states to invest in natural gas pipelines?

Answer: I believe that investing in natural gas pipelines can be fiscally responsible and that utilities and states are in the best position to make this determination.

B) Do you believe that more gas pipeline capacity is needed in the foreseeable future?

Answer: Yes.

C) How would you characterize FERC's role in granting natural gas pipeline certificates?

Answer: The purpose of the Natural Gas Act (NGA) is to encourage the orderly development of plentiful supplies of natural gas at reasonable prices. The Commission's role is to review the record in each individual proceeding and follow the statute and case law.

¹ <https://www.ferc.gov/media/winter-storm-elliott-report-inquiry-bulk-power-system-operations-during-december-2022>

² <https://www.eia.gov/todayinenergy/detail.php?id=55699#>

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D) What should FERC be doing, or not be doing, to bring more certainty to gas pipeline developers assessing financial risk?

Answer: The Commission can best promote regulatory certainty by acting in a predictable, consistent manner that follows the law and court precedent.

E) Please describe the importance of precedent agreements for developers assessing financial risk for pipeline projects.

Answer: As I understand it, precedent agreements provide an important measure of market demand for a proposed pipeline, but each developer will have its own assessment of financial risks.

F) FERC is authorized under the Natural Gas Act to certificate interstate gas pipelines when certificating the pipeline is in the public interest. How do you plan to ensure that the public interest determination process does not become politicized?

Answer: If I am confirmed, I commit to following the statutes and case law, and making decisions that are based on the record in each case.

Question 2: Yes or no, should climate change factor into FERC's public interest determinations?

Answer: I understand that there are cases that have discussed this issue, but I have not had the chance to review them carefully. If confirmed, I commit to doing so promptly.

Question 3: Do you believe that FERC should terminate the now-draft Natural Gas Pipeline (PL18-1) and Interim GHG (PL21-3) Policy Statements?

Answer: I have not carefully reviewed those Policy Statements and so do not have a view at this time. If confirmed, I commit to closely reviewing the record in these proceedings.

Question 4: Do you believe that FERC should reject the "eyeball" test established in *Northern Natural Gas Company* (CP20-503)?³

Answer: I have not had the opportunity to examine this issue. If I am confirmed, I commit to closely reviewing this issue.

Question 5: Please describe your understanding of the principles of *Illinois Commerce Commission v. FERC*.⁴ Do you believe that ratepayers should only pay rates that are roughly commensurate with the benefits received from transmission projects? Do you believe that it is

³ 174 FERC ¶ 61,189 (2021)

⁴ 576 F.3d 470

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appropriate for FERC to compel the construction of vast amounts of new electric transmission and, in turn, broaden the population of ratepayers that will bear the costs of transmission development?

Answer: Although I am not a lawyer, my understanding of *Illinois Commerce Commission v. FERC* is that the Commission's statutory requirement to ensure that Commission-jurisdictional rates are just and reasonable and not unduly discriminatory or preferential means that the costs of new transmission facilities must be allocated in a manner that is at least roughly commensurate with the estimated benefits of those facilities. Yes, I believe that ratepayers should only pay rates that are at least roughly commensurate with the benefits received from transmission projects.

Question 6: How do you view FERC's responsibilities considering the Major Questions Doctrine and the Supreme Court's decision in *West Virginia v. EPA*?

Answer: Although I am not a lawyer, my understanding is that *West Virginia v. EPA* did not involve any of the statutes that the Commission administers. If confirmed, I will continue to study this issue and commit to considering the Major Questions Doctrine and *West Virginia v. EPA*, as appropriate, in my decision-making process.

Question 7: Please describe your understanding of FERC's role in ensuring reliable electric supply.

Answer: Under FPA section 215, the Commission oversees the development and enforcement of mandatory reliability standards for the bulk-power system. However, I understand that the FPA also leaves authority with the states to determine their generation portfolio mix.

Question 8: Please describe your understanding of FERC's role in ensuring affordable electric supply.

Answer: My understanding is that the Commission's role under the FPA is to determine whether the rates for the wholesale sales and transmission of electricity in interstate commerce are just and reasonable. By implementing that statute, the Commission ensures that electric supply is affordable for American consumers.

Question 9: Has Congress authorized FERC under the Federal Power Act or Natural Gas Act to aid or hasten a transition to lower-GHG resources?

Answer: It is my understanding that FERC is a resource-neutral agency and that Congress has not given FERC direction on this matter.

Question 10: When it comes to approving reliability must-run contracts for GHG-emitting resources, will you commit to prioritizing grid reliability over GHG reductions?

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Answer: Generally, if a reliability must-run contract for a resource comes before the Commission, the system operator has determined that the resource is required to meet a system reliability need that may not be otherwise met through other market mechanisms. If confirmed, I will commit to ensuring that the Commission's review of reliability-must-run contracts ensures that rates are just and reasonable and not unduly discriminatory or preferential.

Question 11: When FERC issued Order No. 2000 and authorized public utilities to begin forming Regional Transmission Organizations, it said, "The Commission's goal is to promote efficiency in wholesale electricity markets and to ensure that electricity consumers pay the lowest price possible for reliable service."

If confirmed, will you commit to investigating the question of whether the wholesale restructuring driven by FERC since Order No. 2000 has ensured that "electricity consumers pay the lowest price possible for reliable service"?

Answer: I understand that some have raised the concern that wholesale market restructuring has not resulted in certain benefits as intended. If confirmed, I commit to working with my colleagues as the Commission may review market design proposals to ensure they are just and reasonable and will provide consumers affordable, reliable electricity.

Question 12: In your view, how do RTOs and ISOs compare to traditionally regulated regions in terms of electric reliability? What data leads you to that conclusion?

Answer: I have not compared RTOs and ISOs with traditionally regulated regions in terms of associated electric reliability. I am open to considering the benefits of both RTOs/ISOs and traditionally regulated regions in terms of both affordability and reliability. I also recognize that regions of our country can be very different and that a structure that works well in one region might not be the best structure for another region.

Question 13: In your view, how do RTOs and ISOs compare to traditionally regulated regions in terms of electric affordability? What data leads you to that conclusion?

Answer: I have not compared RTOs and ISOs with traditionally regulated regions in terms of electric affordability. I am open to considering the benefits of both RTOs/ISOs and traditionally regulated regions in terms of both affordability and reliability. I recognize that regions of our country can be very different and that a structure that works well in one region might not be the best structure for another region.

Question 14: In an RTO or ISO, who is ultimately responsible for reliability and resource adequacy?

Answer: My understanding is that RTOs and ISOs must comply with applicable mandatory reliability standards that the Commission approves under FPA section 215. However, there are regional differences in the approaches used to achieve resource adequacy. If confirmed, I will study this question with great care.

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Question 15: Under what circumstances do you believe it is appropriate for FERC to initiate a “*sua sponte*” (on its own accord) FPA section 206 investigation into RTO market failures?

Answer: My understanding is that the Commission can initiate an FPA section 206 investigation if the Commission finds or suspects that the rate, or any rule, regulation, practice, or contract affecting such rate, charged by any public utility, including an RTO, appears to have become unjust, unreasonable, or unduly discriminatory or preferential.

Question 16: FERC has long respected regional differences and left joining a Regional Transmission Organization (RTO) to the voluntary decision of state regulators and utilities. Will you pledge to never require any state or utility to join a regional market against its will?

Answer: Yes.

Question 17: Subsidies for wind and solar have led to distorted price signals in RTOs, with prices even going negative in some places. Do distorted price signals lead to distorted resource allocation? How does this distortion impact reliability?

Answer: In general, price distortions, where they exist, may lead to inefficient investments which could, in theory, affect reliability. If confirmed, as appropriate, based on specific proceedings before the Commission, I commit to review the issues associated with wholesale market pricing mechanisms.

Question 18: Do you believe FERC has any responsibility to show that the policy actions it undertakes “*sua sponte*” under Section 206 of the FPA achieve the anticipated results?

Answer: Yes.

Question 19: The EPA has proposed policies that would dramatically impact the reliability of the grid. Do you believe FERC should play a larger role in the regulatory process for regulatory actions taken by other federal agencies that may threaten grid reliability?

Answer: My understanding is that there are certain formal mechanisms by which coordinated reviews of agency rulemakings are to take place to ensure consistency across applicable laws and prevent conflict with policies or action taken or planned by agencies. I believe that the Commission should continue to participate in these interagency reviews to provide its expertise where appropriate.

Question 20: How do you view the current and future role of hydroelectric power in the U.S. electricity mix?

Answer: I believe that all resource types, including hydroelectric, can play an important role in ensuring Americans have access to reliable electricity at just and reasonable rates.

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Question 21: How do you view the current and future role of coal power in the U.S. electricity mix?

Answer: I believe that all resource types, including coal resources, can play an important role in ensuring Americans have access to reliable electricity at just and reasonable rates.

Question 22: How do you view the current and future role of nuclear power in the U.S. electricity mix?

Answer: I believe that all resource types, including nuclear resources, can play an important role in ensuring Americans have access to reliable electricity at just and reasonable rates.

Question 23: Under Section 203(a)(2) of the Federal Power Act, holding companies, including investment companies, that acquire securities of a public utility in an amount of \$10 million or greater must first secure authorization from FERC. The Commission has allowed for some “blanket authorizations,” where acquisitions are authorized without a case-specific order. Blanket authorizations are subject to certain requirements, including in certain circumstances a requirement that a holding company act as a “passive investor” that does not attempt to influence utility company operations.

Should FERC disqualify investors from Section 203 blanket authorizations who have demonstrated significant activism or attempted to influence the day-to-day commercial conduct of a utility company, including (but not limited to):

- a) Entering into agreements with other parties, including ESG asset manager groups, to attempt to force changes in company behavior?
- b) Participating in “engagements” with the company in which the investor (or parties coordinating with the investor) demands that the company change its behavior?
- c) Using its shares to vote against directors who have not complied with the investor’s expressed wishes or expectations?

Answer: I understand that the Commission has an ongoing inquiry into whether and how to revise its policy on blanket authorizations for investment companies. I have not yet evaluated this issue. Should I be confirmed, I will take concerns about investor control seriously, and carefully study the record, including all comments, before making any decisions.

Question 24: Please assess or describe the effectiveness of FERC Order 1000. In general, do added layers of federal intervention in state processes complicate or slow these processes? Should FERC have additional authority to mandate transmission projects over state objections?

Answer: Regional transmission planning processes under Order No. 1000 have become more open and transparent, allowing more participation by stakeholders, and provided information for

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the public to understand how and why transmission providers identify and evaluate new regional transmission facilities. I understand that the Commission is currently considering whether to reform its regional transmission planning and cost allocation requirements in its Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection NOPR in Docket No. RM21-17-000. If confirmed, I would work with my colleagues to examine these important issues.

With respect to the interaction between federal and state processes, I believe that the Commission should work with its state counterparts in an efficient and productive manner.

Questions from Senator Bernard Sanders

Question 1: Courts have determined that FERC must consider climate and other environmental impacts of gas projects. In the *Sierra Club v Federal Energy Regulatory Commission* court case in 2017, the D.C. Circuit concluded that the National Environmental Policy Act obligates FERC to consider reasonably foreseeable indirect effects, including greenhouse gas emissions, from production and use of gas transported by pipelines. Following the Sabal Trail case, courts have repeatedly affirmed that FERC must consider a pipeline's impact on climate change in its review of new natural gas infrastructure, like in the 2022 *Food and Water Watch v. Federal Energy Regulatory Commission* court case.

- a. Do you agree that greenhouse gas emissions are a relevant public interest factor, and that FERC should consider and report on greenhouse gas emissions as part of the permitting process?

Answer: I have not had the opportunity to examine this issue and review the relevant case law. If confirmed, I commit to studying the issue, and will follow the statutes and the relevant case law in any decisions.

- b. Do you agree that climate change is a relevant public interest factor, and that FERC should consider and report on climate change impacts as part of the permitting process?

Answer: I have not had the opportunity to review the case law on this topic. If confirmed, this is an issue I will carefully review and study.

Question 2: If confirmed, would you ever deny an application, or dissent on an application, based on the greenhouse gas emissions of a proposed project?

Answer: If I am confirmed, I will carefully consider each case based on the record. I cannot prejudge how I might vote on future matters.

Question 3: Environmental justice communities overwhelmingly bear the brunt of negative impacts from siting decisions related to fossil fuel infrastructure, including disproportionate and persistent public health risks and decreased quality of life. Despite these negative impacts, FERC

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has never denied a fossil fuel project permit on the grounds of disproportionate negative impacts to environmental justice communities.

- a. If confirmed, how will you weigh harms to communities living at the site of natural gas export terminals and natural gas extraction sites as a public interest factor?

Answer: I understand that the Commission examines the impacts of proposed projects on environmental justice communities. If I am confirmed, I look forward to working with my colleagues to support this work.

- b. If confirmed, would you ever deny an application, or dissent on an application, based on the negative impacts of a proposed project on environmental justice communities?

Answer: If I am confirmed, I will carefully consider each case based on the record. I cannot prejudge how I might vote on future matters.

Question 4: The failure of frozen fossil fuel infrastructure was the primary reason for massive electric power outages during Winter Storm Elliot in late 2022 and Winter Storm Uri during early 2021. For example, the FERC-NERC report on Winter Storm Elliot found that natural gas plants accounted for over 63% of outages and derates and coal/lignite accounted for 23% across the event area; for Winter Storm Uri, those event-wide outages were 55% and 18% respectively. Storm-related outages have led to catastrophic loss of life and billions of dollars in economic damages.

- a. In your view, did fossil fuels provide more or less reliable energy than renewable sources of power like wind and solar during these recent winter storm events?

Answer: I understand that the FERC-NERC reports on Winter Storms Elliott and Uri indicate that generators of all types experienced unplanned outages and derates during those events. I have not undertaken an analysis of the relative performance of different types of generators.

- b. If confirmed, how will you factor these recent fossil fuel infrastructure failures into your consideration of energy infrastructure permitting decisions?

Answer: I believe that would depend on the record in individual proceedings and what that record indicates for the relevant statutory standards.

Questions from Senator Steve Daines

Question 1: Ms. Chang, under the Natural Gas Act, does FERC have the authority to consider upstream and downstream greenhouse gas emissions of a natural gas pipeline when issuing a certificate of public convenience and necessity?

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Answer: I have not had the opportunity to examine this question in detail. If confirmed, I commit to reviewing the case law on this issue and acting in accordance with the statutes and the relevant case law.

Question 2: Ms. Chang, what role does FERC have in the regulation of greenhouse gas emissions?

Answer: Although I am not a lawyer, it is my understanding that the Commission does not regulate greenhouse gas emissions, but does, for example, study those emissions when it performs its environmental analyses under the National Environmental Policy Act when siting various types of energy infrastructure.

Question 3: Ms. Chang, can FERC deny a certificate of public convenience and necessity based on a project's upstream or downstream greenhouse gas emissions?

Answer: I have not had the opportunity to review case law on upstream and downstream emissions, but if confirmed, I commit to reviewing the issue and acting in accordance with the statute and case law.

Question 4: Ms. Chang, how do you define "public convenience and necessity" as it is used in the Natural Gas Act?

Answer: Although I am not a lawyer, my understanding is that courts have equated that term with the public interest.

Question 5: Ms. Chang, what factors should the Commission review when deciding if the operation, sale, service, construction, extension, or acquisition of a natural gas pipeline is a "public convenience and necessity"?

Answer: I believe the Commission should act consistent with the statutory purpose of the NGA, which is to encourage the orderly development of plentiful supplies of natural gas at reasonable prices. I can commit to a fact-based determination after reviewing the record before me, in accordance with the statutory principles of the NGA.

Question 6: Ms. Chang, does a customer's willingness to subscribe to long-term pipeline capacity demonstrate pipeline need?

Answer: A customer's willingness to subscribe to long-term pipeline capacity can serve as a demonstration of project need.

Question 7: Ms. Chang, would you weigh a speculative economic study higher than real-life contracts when deciding if a project is economical?

Answer: I have not had the opportunity to closely consider this question, but if confirmed, I commit to closely examining the record in each case to make a determination.

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Question 8: Ms. Chang, can FERC require companies to pay-for or mitigate upstream or downstream greenhouse gas emissions not directly connected to a natural gas pipeline project under the jurisdiction of FERC?

Answer: I have not had the opportunity to closely consider this question but commit to doing so if I am confirmed and if the issue is raised before the Commission.

Question 9: Ms. Chang, how do you define “consistent with the public interest” as it is used in the Natural Gas Act?

Answer: I believe that “consistent with the public interest” means that, on balance, an action provides public benefits. Under the NGA, those benefits are the objective of the statute: to encourage the orderly development of plentiful supplies of natural gas at reasonable prices.

Question 10: Ms. Chang, what factors should the Commission review when deciding if an LNG terminal is “consistent with the public interest”?

Answer: I believe that the Commission should examine all relevant potential impacts of a proposed project that have been introduced to the record of that particular proceeding.

Question 11: Ms. Chang, where in the Natural Gas Act, or other statutes granting FERC regulatory powers, is FERC granted the power to regulate greenhouse gas emissions?

Answer: I am not aware of anything in the NGA or other statutes that explicitly addresses greenhouse gas emissions.

Question 12: Ms. Chang, do you believe that the premature or forced closure of existing coal and other fossil fuel generating plants, like the Colstrip Power Plant in Montana, will impact the reliability of the electrical grid, both regionally and as a whole, and the affordability for customers who depended on the energy produced at the prematurely closed locations?

Answer: Overseeing the reliability of the bulk-power system is the Commission’s most important responsibility. If confirmed, I commit to carefully evaluating the impact of generator retirements on both electric reliability and affordability and, where necessary, taking appropriate action within FERC’s jurisdiction.

Question 13: Ms. Chang, do you believe that it is FERC’s responsibility to ensure that the grid remains reliable?

Answer: Yes. Maintaining reliability is the Commission’s single most important responsibility.

Question 14: Ms. Chang, as part of FERC’s mission to ensure that consumers have reliable energy services, do you believe that it is FERC’s role as an independent agency to inform other

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agencies of the impact of proposals that could affect the reliability of the grid and, when necessary, push back on agencies in order to minimize adverse impacts to the electrical grid?

Answer: It is my understanding that there are formal mechanisms by which coordinated reviews of agency rulemakings take place to ensure consistence with applicable law and prevent conflict with policies or action taken or planned by other agencies. I believe that the Commission should continue to participate in these interagency reviews to provide its expertise in appropriate circumstances.

Question 15: Ms. Chang, according to the Energy Information Agency “global energy consumption will increase nearly 50% over the next 30 years”. Do you agree that in order to maintain reliability, which is a factor FERC’s mission statement specifically mentions, the United States should maintain a balanced energy portfolio that includes baseload power like hydro, coal, gas and nuclear as well as intermittent resources like wind, solar, and other emerging technologies?

Answer: To ensure the reliability of our grid we need a mix of many types of resources, and each type of resource has its place in ensuring reliable service for our nation.

Question 16: Ms. Chang, do you believe that international climate commitments should overrule an individual state’s decision to deploy or operate coal or natural gas power plants?

Answer: My understanding is that states have the authority for power generation resource mix within their boundaries, and I would respect that authority if confirmed as Commissioner.

Question 17: Ms. Chang, do you believe that one state should have the ability to block another state’s decision to deploy or operate coal or natural gas power plants?

Answer: Under the FPA, FERC regulates the rates, terms, and conditions for the transmission of electric energy in interstate commerce and the sale of electric energy at wholesale in interstate commerce. I understand that states retain authority over power generation resources within their boundaries, and I intend to respect that authority if confirmed as Commissioner.

Question 18: Ms. Chang, do you believe that coal and natural gas play an important role in the reliability of the electric grid?

Answer: Yes. Coal and natural gas fired generation currently play an important role in maintaining the reliability of the electric grid.

Question 19: Ms. Chang, nearly half of the non-federal hydropower fleet will need to be relicensed in the next decade, accounting for hundreds of projects and thousands of megawatts. As discussed during the hearing, I have introduced a bipartisan solution to speed up permitting, increase tribal voices, and protect fish habitat. Do you support the goals of my legislation and will you commit to working with me to get hydropower licensing reform signed into law?

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Answer: I support your goals of speeding up permitting, increasing tribal voices, and protecting fish habitat. I have not reviewed the legislation in detail but commit to do so if I am confirmed. Similarly, if confirmed, I commit to supporting and working with my fellow Commissioners to implement any proposed reforms that Congress enacts.

Question 20: Ms. Chang, what actions do you think FERC could take today to speed up hydropower licensing and relicensing?

Answer: I have not had the opportunity to study this matter in detail, but, if I am confirmed, I commit to working with my colleagues toward this goal.

Question 21: Ms. Chang, do you agree that we should expand hydropower generation throughout the United States?

Answer: Hydropower is an important part of the nation's energy mix. I support development of hydropower resources and would continue to do so, if confirmed.

Question 22: Ms. Chang, do you support breaching the Lower Snake River hydropower dams?

Answer: I have not had the chance to study this issue in detail, but I understand that these projects are federal facilities that are not regulated by the Commission.

Question 23: Ms. Chang, do you believe the breaching of federal or non-federal hydropower dams could negatively affect grid reliability and energy prices?

Answer: I have not had the chance to study this issue, but if confirmed, I commit to learning about this important matter.

Question 24: Ms. Chang, according to the Energy Information Agency from 2020-2023 the average price of electricity has increased from 13.15 cents per kilowatt-hour to 15.98 cents per kilowatt-hour. What do you see as a driving factor of this increase?

Answer: I have not specifically examined this issue, but, in general, many factors drive changes in wholesale electric prices, including, of course, supply and demand factors. Over the period, 2020-2023, I understand that changes in natural gas prices played a significant role in changing the wholesale price of electricity. For instance, the overall increase in natural gas prices from 2020-2023 contributed to the increase in the average price of wholesale electricity over the same period. In the other direction, I understand that the decrease in natural gas prices year-on-year from 2022 to 2023 contributed to lower wholesale electricity prices in 2023 compared to 2022.

Question 25: Ms. Chang, if confirmed what actions would you take to help curb or lower energy costs?

Answer: Consistent with the Commission's statutory mandate, if confirmed, I will evaluate proposed tariff rates and related provisions that come before the Commission to ensure that they

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are just and reasonable and not unduly discriminatory or preferential. I also understand that the Commission can exercise its authority under FPA section 206 and NGA section 5 to establish just and reasonable rates if the Commission identifies existing tariff provisions that are resulting in unjust, unreasonable, or unduly discriminatory or preferential rates.

Question 26: Ms. Chang, in what circumstance would you deny a project that helped decrease energy costs and increase reliability?

Answer: It is difficult to answer this question in the abstract without carefully examining the record of individual cases. If confirmed, I commit to carefully considering the facts of each proceeding and acting in accordance with the Commission's statutory responsibilities.

Question 27: Ms. Chang, in your opinion what are the most important steps FERC should take to improve the reliability of our energy systems?

Answer: Although I believe that maintaining reliability is the Commission's single most important responsibility, I have not at this time identified the most important steps that the Commission should take to fulfill that mandate. If confirmed, I commit to working with my colleagues and FERC staff to identify those issues within the Commission's jurisdiction that warrant further action.

Question 28: Ms. Chang, what statutory limitations exist that limit FERC from considering environmental justice when making regulatory decisions?

Answer: It is my understanding that the Commission must ensure that any steps it takes to consider environmental justice in regulatory decisions are consistent with its statutory authority, including under the FPA and NGA.

Question 29: Ms. Chang, how do you plan to balance the rapid rate of baseload plant retirements across the country and the current push to transition to an electrified economy?

Answer: This is a critically important issue and involves different aspects of the Commission's authority. For example, I support the Commission's efforts to streamline the generator interconnection process, improve long-term transmission planning, and facilitate transmission development, including increased interregional transmission capacity. These efforts can help to ensure the nation continues to reliably meet its electric needs as the resource mix changes and the demand for electricity grows over time.

Question 30: Ms. Chang, if confirmed what will be your top three priorities on the commission?

Answer:

- Ensure reliable electricity and natural gas service across the United States.

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- Improve the transmission planning process and accelerate the development of beneficial transmission facilities
- Improve or streamline permitting processes wherever reasonable and consistent with the Commission's statutory responsibilities.

Question 31: Ms. Chang, FERC's mission statement states "FERC's mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost." In this context how do you define "reliable"?

Answer: In the context of the Commission's mission statement, I consider "reliable" to mean "reliable operation" of the grid as stated in in section 215 of the FPA.

Question 32: Ms. Chang, FERC's mission statement states "FERC's mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost." In this context how do you define "safe"?

Answer: I consider "safe" to mean being able to operate in a manner that does not pose significant risks to life, health, property, or the environment.

Question 33: Ms. Chang, FERC's mission statement states "FERC's mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost." In this context how do you define "secure"?

Answer: In the context of the Commission's mission statement, I consider "secure" to mean minimizing risk to the public associated with energy infrastructure within the Commission's jurisdiction, including by safeguarding such infrastructure from emerging physical and cyber threats.

Question 34: Ms. Chang, FERC's mission statement states "FERC's mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost." In this context how do you define "economically efficient"?

Answer: In the context of FERC's mission, "economically efficient energy services" are services obtained at a cost that reasonably reflects the cost of providing the services.

Question 35: Ms. Chang, FERC's mission statement states "FERC's mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost." In this context how do you define "at a reasonable cost"?

Answer: Please see my answer to Question 34 above.

Question 36: Ms. Chang, FERC's mission statement states "FERC's mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost." Are there factors outside of those listed that you would apply when deciding to approve or deny a project?

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Answer: I believe those factors are an appropriate reflection of the Commission's mission.

Question 37: Ms. Chang, when weighing public comments on a proposed project, would you weigh local constituents' comments whose lives, jobs, and communities are directly affected over those of out-of-state, international, or other constituents who are not directly affected by a project?

Answer: If I am confirmed, I will carefully weigh all comments that are filed with the Commission.

Question 38: Ms. Chang, there are examples of current and former administration officials who do not reside in the city or immediate area of their duty station. This can make it difficult to both manage staff and importantly take meetings and hear feedback from stakeholders and constituents wishing to petition their government. If confirmed, would there be anything precluding you from residing within close proximity to FERC's offices in order to best fulfill your role on the Commission?

Answer: No.

Questions from Senator Catherine Cortez Masto

Question 1: The Fiscal Year (FY) 2025 Budget Request for the Federal Energy Regulatory Commission (FERC) continues to prioritize a strong and robust enforcement program. Specifically, one of FERC's objectives for FY25 is to strengthen its ability to detect and deter energy market manipulation. This builds on FERC's Seventeenth Annual Report on Enforcement, which determined that at least eleven of the nineteen manipulation cases opened during FY23 involved potential market manipulation.

Earlier this Congress, I co-introduced S.1410, the *Energy Consumer Protection Act*, in order to provide FERC with additional authority and tools to deter traders that repeatedly manipulate electricity and natural gas markets. During a Senate Committee on Energy and Natural Resources hearing on May 4, 2023, Chair Phillips, Commissioners Clements and Christie, and former Commissioner Danly all expressed their support for the purpose of S.1410.

If confirmed, how would you work to combat energy market manipulation? Are you supportive of S.1410? Why or why not?

Answer: If confirmed, I would use the full array of the Commission's enforcement tools to combat market manipulation, including the use of civil penalties and disgorgement. I am supportive of efforts to prevent bad actors from manipulating and causing serious harm to energy markets.

Questions from Senator Cindy Hyde-Smith

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Question 1: I believe it is critical to continue investing in our nation’s natural gas infrastructure to achieve America’s energy security, reliability, and affordability. With the continued push to further grow renewable energy reliance, what do you see as the role of natural gas as part of the U.S. energy portfolio in the short- and long-term? Will a growing reliance on renewable energy cause us to require additional natural gas infrastructure to provide flexible and dispatchable fuel and storage?

Answer: I believe natural gas will continue to play a role in our nation’s energy portfolio because it provides fuel for dispatchable resources and diversity in our energy mix. As I understand, Commission staff’s October 2023 report in response to Winter Storm Elliott recommended a study to determine if additional natural gas infrastructure is needed to support the reliability of the electric grid. I support such further analysis, and I remain committed to ensuring our nation’s energy security, reliability, and affordability.

Question 2: As a matter of public policy and your interest in FERC’s ensuring stability and reliability of U.S. LNG, if facilities have been operating at or above nameplate capacity for a period of years, then does it make sense for such facilities to delay their in-service date?

Answer: I have not had the opportunity to study this issue, but if confirmed, I can commit to looking further at it.

Question 3: In your view and experience, how many shipped cargoes would be reasonable before a facility should be deemed “in service,” as a matter of public convenience and necessity?

Answer: I have not had the opportunity to study this issue. If confirmed, I commit to better understand this issue.

Question 4: FERC has long and prudently respected regional differences and left joining a Regional Transmission Organization to the voluntary decision of state regulators and utilities. Do you agree on the importance of respecting regional differences and state jurisdictional authority and therefore do you pledge to not impose an RTO on regions, states, and utilities if they do not want one?

Answer: Participation in organized energy markets – regional transmission organizations (RTOs) and independent system operators (ISOs) – is a voluntary decision for utilities and their state regulators. I respect states’ and utilities’ preferences and decisions regarding RTO/ISO membership.

Question 5: As it relates to your oversight of the RTOs and ISOs, if confirmed, do you commit to exercising your jurisdictional mandate to ensure that rates are just and reasonable? Do you believe that the outsized problems in RTOs may be leading to unjust and unreasonable rates?

Answer: I believe it is appropriate for the Commission to initiate an FPA section 206 investigation if the Commission finds that the rate, or any rule, regulation, practice, or contract

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affecting such rate, charged by any public utility, including an RTO or ISO, appears to have become unjust, unreasonable, or unduly discriminatory or preferential.

Questions from Senator Josh Hawley

Question 1: What do you believe are the greatest challenges facing FERC?

Answer: The Commission is facing a number of important and complex issues at the moment. Those include developing needed energy infrastructure, maintaining electric reliability throughout a time of unprecedented change in the industry, and ensuring that customers are able to afford the energy on which they depend.

Question 2: What do you believe are the greatest opportunities before FERC?

Answer: I believe the greatest opportunity is to improve transmission planning and advance beneficial transmission development.

Question 3: If confirmed, what will be your top three priorities in office?

Answer:

- Ensure reliable electricity and natural gas service across the United States
- Improve the transmission planning process and accelerate the development of beneficial transmission facilities
- Improve or streamline permitting processes wherever reasonable and consistent with the Commission's statutory responsibilities.

Question 4: If you are called to testify before this committee in a year's time, by what objective metrics should the committee evaluate your performance?

Answer: I believe that the best measure of my performance is whether I am independently evaluating the facts and circumstances of each proceeding in light of the governing law, which I firmly commit to doing.

Question 5: If confirmed, what concrete steps do you plan to take to ease the regulatory burden on small businesses?

Answer: If confirmed, I would be mindful of the regulatory burdens on all regulated entities, including any small businesses, and would attempt to reduce those burdens where appropriate and consistent with the Commission's statutory obligations.

Question 6: Which predecessor(s) in the position to which you have been nominated do you most admire, and why?

Answer: James (Jim) Hoecker was the FERC chairman from 1997 to 2001. While at the Commission, he was instrumental in promoting competitive energy markets and opened transmission access to third-party generators. But it is not just his accomplishments that I admire. It is that Jim is a great listener and fully appreciates and considers various perspectives when making decisions.

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Question 7: What episodes in American history best inform your understanding of the agency's mission?

Answer: In the 1990s, numerous states deregulated their electricity markets, with the goal to induce competition and reduce costs to consumers. At that time, FERC assumed a pivotal role in facilitating and overseeing these changes by setting rules for open access to electric transmission lines and competition in wholesale electricity markets. The insights gained from those historical changes continue to shape FERC's ongoing objectives to ensure just and reasonable rates for wholesale electricity customers nationwide.

Question 8: Since you were first contacted about being considered for this nomination, have you deleted, attempted to delete, or made private any content on your social media? If so, please produce copies of all originals.

Answer: No. I have not deleted or attempted to delete or made private any content on my social media since I was contacted about being considered for this nomination.

Question 9: What do you believe is the proper role of cost-benefit analysis in agency regulation?

Answer: While costs are a key consideration, the Commission has broad discretion to weigh a variety of non-cost factors in evaluating whether proposals are just and reasonable. For example, I think it is important to consider comments submitted regarding the proposals and the economic principles in determining whether a proposal is just and reasonable.

Question 10: In your view, what are the three greatest areas of waste, fraud, and abuse at the agency to which you have been nominated?

Answer: As I have not worked at the Commission, I cannot speculate as to any areas of waste, fraud, and abuse that may or may not exist.

Question 11: In your view, what are three areas of bureaucratic red tape that should be eliminated at the agency to which you have been nominated?

Answer: As I have not worked at the Commission, I do not have a view on any areas of bureaucratic red tape that should be eliminated. However, I believe that the Commission should strive to process its matters as efficiently and expeditiously as possible.

Question 12: Do you or your spouse hold any individual shares in companies regulated by FERC?

Answer: My financial holdings and my spouse's financial holdings have been reviewed by the Office of Government Ethics and the Commission's Designated Agency Ethics Official (DAEO). If confirmed, I will divest all investments that may present a perception of conflict of interest pursuant to the guidance of the Commission's DAEO.

Question 13: Have you ever explicitly considered race when making hiring decisions? If so, please describe the circumstances.

Answer: No.

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Question 14: If confirmed, what concrete steps do you plan to take to partner with State and local governments to fulfill the agency's mission?

Answer: As a former member of state government, I believe that state and local governments bring valuable and unique perspectives, including with respect to many of the most important issues before the Commission. As such, if confirmed, I would carefully consider state and local government perspectives in Commission proceedings and I would be open to meeting with members of state and local governments should they choose to do so.

Question 15: If confirmed, what concrete steps do you plan to take to address concerns of residents in Missouri?

Answer: If confirmed, I would carefully review and consider any views expressed by Missouri residents in Commission proceedings and factor them into my decision-making process.

Question 16: Have you or any member of your family ever had any commercial relationship with the Chinese Community Party or a China-based business entity?

Answer: No.

Question 17: Do you have any experience working with artificial intelligence?

Answer: I have experience working with artificial intelligence only through the use of large language model in conducting research.

Question 18: Do you have any experience with cybersecurity?

Answer: I have experience with cybersecurity only in discussions with utilities that are engaged in implementing cybersecurity.

Question 19: Why do you believe that the regulatory state is sufficiently larger today than it was 70 years ago? If so, why do you believe that is?

Answer: I do not have an opinion on this topic.

Question 20: If confirmed, what steps would you take to guard against regulatory capture?

Answer: I believe that the best safeguard against regulatory capture is independent decision-making based on the facts, circumstances, and law applicable to each Commission proceeding. If confirmed, I commit to bringing such an independent perspective to everything I would do at the Commission and would carefully and critically review the record and applicable law in every proceeding.

Question 21: What areas of the agency's mission do you believe are most in need of further study?

Answer: I have not yet formed an opinion on this topic.

Question 22: What in your record speaks to your ability to work in a bipartisan manner?

Answer: I have worked for a Republican governor, his administration, and with the state's predominantly Democratic legislature in setting Massachusetts energy policies.

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Question 23: If confirmed, what concrete steps would you take to promote the hiring and retention of agency employees outside of the Washington D.C. area, including in regional offices in States like Missouri or through telework?

Answer: I understand that FERC offers potential candidates attractive workplace flexibilities such as telework and remote work, and alternative work schedules. I also understand that FERC holds recruitment fairs and has created a presence on social media to provide prospective employees, including prospective remote employees, additional information about the benefits the Commission offers. If confirmed, I would work with the Chairman to ensure that FERC retains these existing strategies to hire and retain employees located within and outside of the Washington D.C. area.

Question 24: In your opinion, what statutory authorities do you believe are currently underutilized by the agency?

Answer: I do not have an opinion on what statutory authorities are underutilized by the Commission. But, if confirmed, I commit to appropriately exercising the authority that Congress has given the Commission.

Question 25: What is the applicable legal standard for reversing a prior agency policy?

Answer: Although I am not a lawyer, my understanding is that an agency may reverse a prior agency policy if it can make three showings: (1) the new policy is permissible under the statute, (2) there are good reasons for the new policy and the agency explains its reasoning for the change, and (3) the agency believes the new policy to be better than the old one.

Question 26: In 2012, you co-author a report titled “The Employment Impacts of Proposed Tariffs on Chinese Manufactured Photovoltaic Cells and Modules,” which analyzed “the employment impacts of a proposed trade restriction on Chinese-manufactured crystalline photovoltaic cells and modules.” The report concluded that “the economic basis for evaluating an import tariff is whether there is a gain to both consumers and producers. We estimate that consumers lose more than producers gain, resulting in a net revenue loss of between \$621million and \$2.6 billion.”

- a. Do you stand by the conclusion in this report that the United States should not have imposed tariffs on Chinese-manufactured crystalline photovoltaic cells and modules?

Answer: The conclusion of that report was based on the fact that most of the solar-related jobs in the United States in 2012 were installation jobs. Thus, imposing tariffs would increase prices in the United States and reduce solar installation jobs. The market for solar PV has changed significantly since then alongside increasing diversity of solar-related jobs.

- b. Do you believe that today the United States should impose tariffs on Chinese-manufactured crystalline photovoltaic cells and modules?

Answer: I have not formed a viewpoint on this question.

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- c. When considering the policy benefits and costs of imposing tariffs on foreign countries, how do you weigh the benefits to consumers in the form of cheaper prices against the benefits of increased manufacturing jobs in America?

Answer: Both provide economic benefits to America.

- d. Do you support President Biden's emergency declaration to suspend import duties on solar cells and modules from Cambodia, Malaysia, Thailand, and Vietnam?

Answer: I have not formed a view on this topic.

- e. Under what circumstances do you believe the United States should impose tariffs against Chinese goods?

Answer: From purely economics perspective, when the economic benefits of imposing the tariffs significantly outweigh the economic costs of the tariffs.

Questions from Senator Angus S. King

Question 1: Do you believe that transmission providers should be required to evaluate dynamic line ratings as part of interconnection request studies?

Answer: I understand that dynamic line ratings create the potential for increasing capacity on transmission lines in an efficient and cost-effective manner. Although in Order No. 2023 the Commission determined not to require transmission providers to evaluate dynamic line ratings in their interconnection studies, I understand that the Commission is considering dynamic line ratings in its Notice of Inquiry proceeding (Docket No. AD22-5-000). If confirmed, I would work with my colleagues to assess whether and, if so how, dynamic line ratings should be considered in operating the transmission system and in planning for new transmission facilities.

Question 2: Do you believe that transmission providers should be required to evaluate dynamic line ratings as part of reliability policy and economic transmission planning processes?

Answer: In its Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection NOPR in Docket No. RM21-17-000, I understand that the Commission proposed to require transmission providers to more fully consider dynamic line ratings in regional transmission planning. If confirmed, I would work with my colleagues to examine this important issue.

Question 3: Do you believe it is appropriate for aggregated energy efficiency projects to be included in capacity markets?

Answer: Energy efficiency serves as a capacity resource in multiple RTO/ISO capacity markets subject to measurement and verification requirements. If confirmed, I would work with my colleagues to examine this important issue.

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Question 4: Do you believe that transmission providers should be required to evaluate energy storage serving as a transmission asset as part of interconnection request studies?

Answer: I understand that in Order No. 2023 regarding generator interconnection, the Commission did not require transmission providers to evaluate storage that performs a transmission function in their interconnection studies. I also understand that transmission providers nonetheless may consider at their discretion storage that performs a transmission function in their interconnection studies.

Question 5: Do you believe that transmission providers should be required to evaluate energy storage serving as a transmission asset as part of reliability policy and economic transmission planning processes?

Answer: As noted above, in its Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection NOPR in Docket No. RM21-17-000, the Commission proposed to require transmission providers to more fully consider dynamic line ratings as well as advanced power flow control devices in regional transmission planning. Additionally, the Commission asked for comment on whether additional technologies should be considered. If confirmed, I would work with my colleagues to examine these important issues.

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Questions from Senator Ron Wyden

Question 1: How will you prioritize the building out of new transmission lines to bring more renewable energy online and shore up the resilience of our electrical grid?

Answer: If honored to be confirmed, enabling the build out of needed transmission infrastructure at reasonable cost to consumers will be a top priority for me.

First and foremost, transmission is a key enabler of electric reliability. Experts from NERC state that the limited addition of interstate electric transmission infrastructure, among other factors, contributes to reliability risk.¹ In 2022, just 198 miles of transmission at voltages equal or greater than 345 kV were completed in the United States, the lowest level in the last decade.² The threat to reliability is urgent, given that weather events have jeopardized grid reliability in 5 of the last 11 years prior to 2023.³ At the same time, the median wait to connect new generation to the grid has grown to 5 years in 2022, and more than 2 million megawatts of generating capacity was waiting in interconnection queues at the end of 2022.⁴ Demand for electricity is also growing at rates higher than at any point in the last decade, driven by increased manufacturing activity and demand from other end uses.⁵ Transmission has been shown to provide significant consumer savings and enables integration of new resources to the grid.⁶

If confirmed I will consider the reforms contemplated in the Commission in Docket No. RM21-17-000—Building for the Future Through Electric Regional Transmission Planning and Cost

¹ Testimony of James B. Robb, President and Chief Executive Officer, North American Electric Reliability Corporation before the United States Senate Committee on Energy and Natural Resources, at 4. Available at <https://www.energy.senate.gov/hearings/2023/6/full-committee-hearing-to-examine-the-reliability-and-resiliency-of-electric-services-in-the-u-s-in-light-of-recent-reliability-assessments-and-alerts>.

² Federal Energy Regulatory Commission, Office of Energy Projects, Energy Infrastructure Update, 2012-2022. Available at <https://www.ferc.gov/staff-reports-and-papers>.

³ Federal Energy Regulatory Commission, NERC and Regional Entity Staff Report, Inquiry into Bulk-Power System Operations During December 2022 Winter Storm Elliott, October 2023, at 5-6. Available at <https://www.ferc.gov/media/winter-storm-elliott-report-inquiry-bulk-power-system-operations-during-december-2022>.

⁴ Lawrence Berkeley National Lab, Queued Up: Characteristics of Power Plants Seeking Transmission Interconnection As of the End of 2022, April 2023, at 3-8. Available at https://live-etabiblio.pantheon.site/sites/default/files/queued_up_2022_04-06-2023_0.pdf.

⁵ North American Electric Reliability Corporation, 2023 Long-Term Reliability Assessment, December 2023, at 33. Available at https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_LTRA_2023.pdf. See also International Energy Agency, Electricity 2024, January 2024, at 111. Available at <https://www.iea.org/reports/electricity-2024>.

⁶ MISO, 2017 MVP Triennial Review Report, September 2017, at 5. Available at [MTEP17 MVP Triennial Review Report117065.pdf \(misoenergy.org\)](https://www.misoenergy.org/MTEP17_MVP_Triennial_Review_Report117065.pdf).

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Allocation and Generator Interconnection. Additionally, the Commission has issued Order No. 2023—Improvements to Generator Interconnection Procedures and Agreements—to facilitate the interconnection of new generation more quickly. If confirmed I will work with my colleagues to review forthcoming filings from industry to comply with Order No. 2023.

If confirmed, I look forward to working with my colleagues on these important topics and other matters to, consistent with the Commission’s statutory authority under the Federal Power Act, help ensure that our grid is reliable, resilient, and efficient.

Question 2: How will you position FERC to best handle physical and cyber security threats to critical water infrastructure such as hydroelectric facilities?

Answer: The Commission’s Office of Energy Projects conducts physical and cyber security inspections and audits of jurisdictional hydropower projects. I understand that Commission staff work closely with licensees under the Commission’s *Security Program for Hydropower Projects* guidance⁷ to ensure that threats are understood and addressed, and that inspections and audits are prioritized based on the licensee’s portfolio and on the risk posed by the hydropower project. In addition, I understand that Commission staff coordinate regularly with other federal entities with responsibility over dams and share best practices information with licensees. If confirmed, I will support the Commission’s ongoing efforts with respect to physical and cyber security threats to critical water infrastructure.

Questions from Senator James E. Risch

Question 1: I am concerned about FERC encroaching on the states’ role in ensuring their citizens receive reliable and affordable power. It seems FERC will soon be issuing new rules on transmission planning and cost allocation that could force states to accept transmission lines that traverse their land and funded by the citizens of the state even though they will receive little or no benefit.

- Will you commit to working with state public utility commissions and give deference to their determinations as to whether new electric transmission lines benefit or harm their citizens?

Answer: I believe that state public utilities commissions are important partners for the Commission and that their views, when shared, deserve to be carefully considered by the Commission. As such, if honored to be confirmed, I commit to working with and considering their views into my decision-making process, as appropriate under the law.

- Will you commit to never forcing a State to either unwillingly build transmission or unwillingly authorize transmission to be built?

⁷ Federal Energy Regulatory Commission, Office of Energy Projects, Division of Dam Safety and Inspections FERC Security Program for Hydropower Projects Revision 3A, March 30, 2016. Available at <https://www.ferc.gov/sites/default/files/2020-04/security.pdf>.

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Answer: It is my understanding that, under the Federal Power Act, the Commission does not have the authority to compel a state to build transmission facilities or authorize them to be built. Congress has given the Commission the authority to site electric transmission facilities under certain, limited circumstances, but my understanding is that such authority does not extend to forcing a state to build or authorize any transmission facility. If honored to be confirmed, I commit to follow the law on this matter.

Question 2: One of the biggest questions surrounding the development of long, interregional transmission lines across the country is answering, “who pays.”

- Do you commit to not imposing the cost of transmission on customers who do not directly and quantifiably benefit from the lines?

Answer: My understanding is that under the cost causation principle of the Federal Power Act, customers can only be required to pay the cost of electric transmission facilities to the extent that they benefit from the facility and, even then, any costs that customers pay must be at least roughly commensurate with the benefits they receive. If honored to be confirmed, I will adhere to that legal requirement.

- Do you commit to respecting the preferences and role of the states through which these lines might be sited, especially if state commissions oppose passing the cost of the lines on their consumers?

Answer: I believe that states and state public utility commissions are important partners for the Commission, and I commit to carefully considering the preferences and role of states as part of my decision-making process.

Question 3: The Federal Power Act gives states authority over generation decisions. Should FERC give states deference on how they generate electricity?

Answer: As you mentioned, the Federal Power Act leaves authority to the states to determine their generation mix. If I am confirmed, I commit to respecting states’ policy choices regarding their electric generation mix.

Question 4: Should FERC give states deference in determining whether or not to join organized markets?

Answer: Yes. I believe that participation in organized energy markets is a voluntary decision for utilities and their state regulators.

Question 5: Should FERC give states deference in implementing PURPA regulations?

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Answer: While PURPA tasks FERC with promulgating rules for implementation, PURPA assigns to states the role of implementing those rules. If honored to be confirmed as Commissioner, I intend to follow the law under PURPA.

Question 6: Hydropower is an important component of Idaho’s energy mix. In fact, about 60 percent of the electricity used in Idaho each year is generated by hydropower.

- What are your general views about hydropower?

Answer: Hydropower is an important part of the U.S. energy mix. According to the U.S. Energy Information Administration, in 2022 hydropower facilities generated 262 billion kilowatt-hours of electricity, totaled 9 percent of total U.S. utility-scale electric generation capacity, and accounted for approximately one-third of total U.S. renewable energy generation.⁸

- In your opinion, do you consider hydropower to be a renewable energy source?

Answer: Yes.

Question 7: Despite its many benefits, licensing or relicensing a hydropower facility takes several years. In Idaho, we’ve seen relicensing take more than a decade. FERC issues hydropower licenses, but the approval process involves many other federal and state agencies working under various independent statutory authorities. This can lead to delays, redundancies, conflicts, and increased costs that are ultimately borne by ratepayers. Do you believe Congress should simplify this process to ensure reasonable timeframes for decisions? If not, please explain why you believe the current process is working.

Answer: I believe that it is in the public interest for all regulatory processes to be as simple and efficient as possible. If honored to be confirmed, timely review of infrastructure projects will be a priority for me. If confirmed, I stand ready to provide technical assistance to Congress on any proposed legislation to streamline the hydropower licensing or relicensing process.

Question 8: The issue of how the Commission considers Greenhouse Gas (GHG) emissions in its certificate proceedings, and the usefulness of the “Social Cost of Carbon” (SCC), has been a topic of considerable debate at FERC. The Commission has consistently held, most recently in the so-called “Driftwood compromise,” and in subsequent Commission orders, that there is no “scientifically accepted method that would enable the Commission to determine the significance of reasonably foreseeable GHG emissions” and “calculating the social cost of GHGs does not enable the Commission to determine credibly whether the reasonably foreseeable GHG emissions associated with a project are significant or not significant in terms of their impact on global climate change.” This method of not using the SCC to determine significance has been

⁸ U.S. Energy Information Administration, *Electricity Explained: Electricity in the United States*. Available at [Electricity in the U.S. - U.S. Energy Information Administration \(EIA\)](#). See also U.S. Energy Information Administration, *Electricity Explained: Electricity Generation, Capacity, and Sales in the United States*. Available at [Electricity generation, capacity, and sales in the United States - U.S. Energy Information Administration \(EIA\)](#).

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upheld by the D.C. Circuit. This is appropriate because Congress has directed FERC to oversee energy markets and infrastructure development, not regulate greenhouse gas emissions.

- If confirmed, will you commit to abide by FERC precedent including the “Driftwood compromise”? Why or why not?

Answer: If I am honored to be confirmed, I commit to discussing this issue with my colleagues and it will be a priority for me to support bipartisan, balanced, and legally durable decisions that are consistent with the statute, relevant case law, and FERC precedent.

Question 9: The United States has been blessed with plentiful reserves of natural gas that can serve both our own needs and support our allies abroad. Likewise, we have an incredible interconnected system that stretches across the country to bring natural gas from production areas to regions of the country in need of energy. Natural gas may be produced hundreds or even thousands of miles from the pipeline it is traveling through and the area in which it is consumed. In addition, natural gas production is unpredictable, with individual wells producing at variable rates based on commodity prices and geology. Natural gas *production* is also outside of the legal jurisdiction of FERC. As such, the Commission’s current practice has correctly and appropriately not viewed upstream emission impacts from production as reasonably foreseeable under NEPA.

- Do you agree with the Commission that upstream GHG emissions are not reasonably foreseeable under NEPA? Why or why not?

Answer: I have not had the opportunity to examine the details of recent Commission orders addressing upstream emissions, but if I am honored to be confirmed, I will carefully review this issue. It will be a priority for me to support bipartisan, balanced, and legally durable decisions on this issue at the Commission that are consistent with the statute, relevant case law, and FERC precedent.

Question 10: Like upstream emissions, it is often impossible for the Commission to reasonably foresee downstream emissions. When gas is transported to shippers, such as a local distribution company, there is no way for the Commission nor the project proponent to determine what the downstream emissions impacts will be, because their visibility ends once natural gas enters the local utility system. In addition, some natural gas projects transport gas to liquid trading points within the interstate system. The ultimate destination and uses of this gas is unknowable.

- Do you agree that except in very narrow circumstances the Commission cannot reasonably foresee downstream emissions for interstate natural gas pipelines?

Answer: I believe that this issue is dependent on the facts of each case. If I am honored to be confirmed, I will carefully examine the record in each proceeding. It will be a priority for me to support bipartisan, balanced, and legally durable decisions on this issue at the Commission that are consistent with the statute, relevant case law, and FERC precedent.

- Do you agree that a so-called “full burn” estimate used to determine the emissions impacts of downstream emissions fails to accurately consider such emissions because it does not reflect typical utilization rates, and is therefore inappropriate for the Commission to use when considering certificate applications?

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Answer: If I am honored to be confirmed, I will carefully examine the record in any case in which this issue arises to determine the merits of a full burn calculation. It will be a priority for me to support bipartisan, balanced, and legally durable decisions on this issue at the Commission that are consistent with the statute, relevant case law, and FERC precedent.

Question 11: The Commission has consistently rejected the social cost of GHGs as being inappropriate for consideration in the Commission's public interest determinations. The Commission has clearly spoken in numerous orders on this issue. Will you commit to abide by FERC precedent on the use of the social cost of GHGs?

Answer: If I am honored to be confirmed, it will be a priority for me to support bipartisan, balanced, and legally durable decisions on this issue at the Commission that are consistent with the statute, relevant case law, and FERC precedent.

Question 12: Longstanding FERC precedent, as well as the text and intent of the Natural Gas Act, supports the use of long-term precedent agreements as the strongest indicator of market need for natural gas projects. Natural gas pipeline companies and their shippers are sophisticated commercial entities and only enter such long-term binding contracts if they are certain that the project makes economic sense and is truly driven by market need. Do you agree that long-term precedent agreements remain the single most important demonstrator of need for FERC's public interest determination? If not, why not?

Answer: I agree that long-term precedent agreements are significant evidence regarding project need. If honored to be confirmed, I will follow the statute and all relevant precedent to carefully examine the facts of any case in order to determine project need.

Questions from Senator Maria Cantwell

Question 1: ANTI-MARKET MANIPULATION ENFORCEMENT

In the wake of the Enron scandal, Congress required greater transparency in electricity and natural gas markets. And empowered FERC to go after bad actors who manipulated markets to exploit consumers. Since 2005, FERC has built a permanent cadre of internal energy experts that continually monitor and investigate anomalous market trends. And anticompetitive behavior. These policemen on the beat have uncovered numerous schemes. To date approving over 130 settlement agreements, assessing over \$800 million in civil penalties, and disgorging over \$550 million in illegal profits.

- Do you believe energy markets can be competitive, and produce just and reasonable rates, if they are not free from market manipulation and other forms of fraud?

Answer: No.

- If FERC determines that an energy market participant made financial gains based on fraud or manipulating markets, do each of you believe those misbegotten gains should be promptly returned to injured parties or consumers?

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Answer: Yes, although I would need to examine the facts and circumstances in any individual proceeding. Consistent with Commission practice, whenever a market participant earns unjust profits based on fraud or manipulation, those profits, as determined by the Commission, should be promptly returned to victims. Disgorgement of these misbegotten gains ensures that the market participant will not profit from its wrongdoing and that victims can recover losses they suffered from the misconduct.

- What additional authorities, if any, would you like Congress to grant FERC to further augment their ability to prevent fraud and market manipulation?

Answer: At this time, I do not have any specific recommendations for additional authorities the Commission may need on this matter. However, if honored to be confirmed, I stand ready to assist Congress with development of legislation in this area.

- What are your views of the Energy Consumer Protection Act which would empower FERC to permanently ban entities that have been caught manipulating electricity or natural gas markets from trading in energy markets ever again.

Answer: If honored to be confirmed, I commit to work with my colleagues to ensure that the electricity and natural gas markets are free from market manipulation and other forms of fraud. As a general matter, I see benefits to Congress providing the Commission with additional tools to deter bad actors from manipulating the markets and stop previous offenders from causing repeated harm. If honored to be confirmed, I stand ready to assist Congress with development of legislation in this area.

Question 2: MANDATORY RELIABILITY STANDARDS FOR PIPELINES

FERC has already approved and enforced key mandatory reliability standards for the bulk electric system. Standards that work well and have been around for well over a decade now. But there are no comparable mandatory and comprehensive standards for the nearly three million miles of natural gas, oil, and hazardous liquid pipelines that cross the United States.

- Do you believe that the reliability of the bulk power system is interconnected with the reliability of the natural gas pipeline system?

Answer: Yes. Natural gas generation has become an increasingly important part of the resource mix in recent years. As a result, the reliability of the electric system has become increasingly dependent upon the reliability of the natural gas pipeline system.

- Are you concerned about the reliability of America's natural gas pipeline system due to a growing number of cybersecurity threats?

Answer: Yes. The natural gas pipeline system is a component of our nation's critical infrastructure, the physical and cyber-security of which should remain a top national priority.

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- Do you believe that the mandatory cybersecurity standards that FERC has been setting for the bulk power sector have increased the grid's resilience to cyberattack?

Answer: Yes.

- Are you concerned that future hydrogen pipelines also be vulnerable to cyberattack without mandatory reliability and cybersecurity standards?

Answer: Building on my response above, the security of the nation's critical infrastructure, including any hydrogen pipelines to be built in the future, should remain a top national priority.

Question 3: BENEFITS OF HYDROPOWER RELICENSING REFORM

Hydropower not only makes up over 1/3 of the renewable energy generated in the United States, and supplies two-thirds of ALL the electricity used in Washington state. I understand that right now on average, relicensing a hydropower facility takes seven years and the paperwork costs \$3.5 million. Which does not include important costs of new turbines, fish passage, or dam safety investments. This is despite the reforms Senator Larry Craig and I worked on in 2004 and was included in the 2005 Energy Bill.

- Do each of you agree that we need to protect this critical source of renewable energy by streamlining and modernizing the hydropower permitting process?

Answer: Yes.

- Senator Daines and I have a bipartisan relicensing reform proposal – the Community Hydropower Improvement Act, will you commit to continue working with me and my staff to ensure that we get this bill right?

Answer: Yes.

Question 4: INCREASING GRID COMMUNICATIONS CAPABILITY IMPROVES GRID RELIABILITY.

One particular grid reliability opportunity I'd like to get your views on is installing fiber on top of transmission towers. More communication bandwidth can empower generators and grid operators with closer to real-time data and visibility they need to respond to extreme weather and cyberattacks. More bandwidth is also essential to integrating more distributed resources and the intermittent renewable power sources we need to make our energy system more diverse and affordable. And fiber not only provides a way to affordably transmit massive amounts of data, it can do so in so in a physically secure manner. And this kind of fiber networks can provide private, closed-loop, cyber secure communications networks that hackers can't get into. And could provide the backhaul, middle-mile capacity needed to bring affordable broadband to essentially every household or business that currently serviced by the grid.

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- Do you agree that expanding communications capacity-- along the grid's existing rights-of-way-- could provide significant co-benefits for grid reliability, resiliency, and modernization?

Answer: The use of fiber optic communications can provide many benefits for grid reliability and resilience. These benefits can include, but are not limited to, improved communications for generating resources and other grid-connected devices, as well as greater security.

- Would a federal cost share, like what is proposed in the bipartisan GRID Broadband Act, allow utilities to accelerate grid fiber deployment?

Answer: While I have not carefully reviewed the specific cost sharing mechanism in the GRID Broadband Act, I anticipate that access to federal cost sharing would help accelerate the deployment of grid fiber.

- Should any new transmission lines approved by FERC be required to include this sort of communications capacity if it shown to improve reliability and be in the public interest?

Answer: I have not carefully reviewed the Commission's authority to require communications capacity of this sort. If honored to be confirmed, I will do so promptly and commit to working with my colleagues on these important matters.

Question 5: NEED FOR MORE TRANSMISSION

Currently, a lack of transmission capacity has caused lengthy interconnection queues, stalling billions in urgently needed new generation. This has resulted in increased electricity costs for consumers. It has meant too many missed rural economic development and job creation opportunities in the communities that need them most. A recent study found that U.S. consumers paid an estimated \$13.4 billion in 2021 because of some power lines were too congested to deliver the lowest cost electricity available.

- Do you agree that building out our nation's transmission capacity is needed to transition to a more diverse and affordable electricity supply?

Answer: Yes.

- What do each of you think FERC needs to be doing to encourage or require utilities and other companies to build out the grid?

Answer: I understand that the Commission is considering reforms to its transmission planning and cost allocation processes in the Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection Notice of Proposed Rulemaking, in which it proposed to require utilities to perform longer-term, more comprehensive regional transmission planning. If I am honored to be confirmed, I commit to working with my colleagues to consider the issues in this proceeding, and other matters to, consistent with the Commission's statutory authority under the Federal Power Act, help ensure

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that our grid is reliable, resilient, and efficient.

- One of the biggest impediments to transmission development is cost allocation – ensuring that those that benefit from transmission are assigned their fair share (but no more) of the costs. Do you think FERC has sufficient authority to properly allocate costs or do you think Congress needs to act to clarify the Commission’s authority?

Answer: Under the Federal Power Act, the Commission has the statutory obligation to ensure that cost allocation for transmission facilities is just and reasonable and not unduly discriminatory or preferential. Furthermore, my understanding is that the Federal Power Act, Commission, and court precedent all adhere to the cost causation principle, under which customers can only be required to pay the cost of electric transmission facilities to the extent that they benefit from the facility and, even then, any costs that customers pay must be at least roughly commensurate with the benefits they receive. Although that authority is well established, if Congress were to elect to clarify to expand that authority, I commit to faithfully implementing any such changes.

- In the Northwest, BPA owns 75% of the high voltage transmission. I have been able to get BPA additional borrowing authority to invest in transmission. How can FERC help BPA plan for needed transmission in the region?

Answer: It is my understanding that BPA participates in the NorthernGrid transmission planning region, which includes coordinated transmission planning between and among BPA, public power utilities, and public utilities subject to the Commission’s jurisdiction. NorthernGrid, like other transmission planning regions, performs regional transmission planning to identify, evaluate, and select the more efficient or cost-effective transmission solutions to the region’s transmission needs. While the Commission’s authority with respect to federal power marketing administrations such as BPA is more limited than its authority with respect to public utilities, I believe that the Commission should continue to consider any proposals to engage in voluntary, collaborative transmission planning efforts so that BPA, other federal power marketing administrations, and their respective customers can realize the benefits of participating in these processes.

Question 6: ENERGY EFFICIENCY QUALIFYING AS A WHOLESALE MARKET RESOURCE

FERC has historically supported energy efficiency participating as a resource in the FERC jurisdictional wholesale markets. Currently, energy efficiency resources are allowed to sell into three Regional Transmission capacity markets. This allows energy efficiency to participate on an equal footing with electric generating facilities. In addition, FERC Order No. 2222 allows aggregators to sell bundled energy efficiency into Regional Transmission markets.

- Do you think that energy efficiency has an important role to play in FERC jurisdictional wholesale markets? If so, please elaborate.

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Answer: My understanding is that energy efficiency currently plays an important role in Commission-jurisdictional wholesale electricity markets. As a general matter, I support FERC's longstanding policy of ensuring that jurisdictional wholesale electricity markets are resource- and fuel-neutral. To that end, I believe that these markets operate most efficiently when resources are eligible to provide all capacity, energy, and ancillary services that they are technically capable of providing.

Question 7: WILDFIRES AND LOW-SAG ADVANCED TRANSMISSION LINES

As we enter the summer months, we are increasingly concerned about wildfires are huge and growing in my state. One ignition source for wildfires are old powerlines that sag and come in contact with trees and vegetation. There are technologies, such as low-sag advanced conductors, that could help. I understand that these transmission lines are utilized widely around the world and can move two times the amount of power at the same voltage while not experiencing the same sagging under heavy use that is experienced by steel core transmission lines.

- What do you think the Commission do to facilitate the wider use of this low-sag transmission technology that has the potential to increase line capacity by getting more out of the existing grid while minimize wildfire risk?

Answer: As a general matter, I support consideration of new technologies, such as low-sag advanced transmission conductors, that can make the bulk power system safer and more efficient. If I am honored to be confirmed, I commit to working with my colleagues on these important matters.

- What role generally do you think FERC can play in reducing the risk of wildfires that have been linked to the electricity grid.

Answer: Under Federal Power Act section 215, the Commission has authority over the reliable operation of the bulk-power system. Certain reliability standards include requirements for transmission operations to maintain vegetation surrounding their transmission lines. Depending on the voltage of a Commission-jurisdictional transmission line, those reliability standards could be implicated. If I am honored to be confirmed, I commit to working with my colleagues to encourage NERC and its Regional Entities to monitor compliance with the applicable reliability standards in geographic areas with increased wildfire risk, and to ensure that Commission-approved reliability standards evolve as necessary to address the risks associated with wildfires.

- What role generally do you think FERC can play in preventing planned or unplanned blackouts associated with wildfires?

Answer: The Commission's reliability authority under Federal Power Act section 215 is limited to the operation of the bulk electric transmission system and does not extend to outages on the distribution system associated with wildfires. However, because wildfires do not respect the boundaries between state and federal jurisdiction, I believe that this issue merits coordination between state and federal officials so that all parties are prepared to act in the event of an emergency. There are also two areas where I believe the Commission can promote a more

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reliable electric grid: first, by completing work on its efforts on transmission planning reform, and second, by completing implementation of its 2023 Transmission System Planning Performance Requirements for Extreme Weather (Docket No. RM22-10).

Questions from Senator Mike Lee

Question 1: Recent winter weather events have highlighted the ongoing importance of natural gas for heating and power generation. For example, a 2023 report from FERC demonstrated just how close thousands of New Yorkers came to being trapped in their homes without heat during Winter Storm Elliott.⁹ Had the record cold snap continued, the human harm caused by gas shortages would have been catastrophic.

Increased deployment of renewables and retirement of coal assets have made the grid more reliant than ever on gas as a dispatchable source of baseload power. According to the FERC report, Winter Storm Elliott is just one of several instances over the last decade in which unplanned cold-weather generation outages jeopardized reliability. Clearly, these events illustrate the fact that gas pipeline capacity is needed in the foreseeable future to maintain a resilient system and mitigate outages that threaten human life.

According to the Energy Information Administration, “the least U.S. interstate natural gas pipeline capacity on record was added in 2022” with FERC certifying “only five projects that increased capacity to transport natural gas,” most of which were “minor expansions to upgrade compressor stations” with “only one project adding a relatively small amount of new pipe.”¹⁰

A) Do you believe it is fiscally responsible for utilities and states to invest in natural gas pipelines?

Answer: In many cases, I believe it would be. Ultimately, that is a decision left up to utilities and states based on their individual needs.

B) Do you believe that more gas pipeline capacity is needed in the foreseeable future?

Answer: Yes.

C) How would you characterize FERC’s role in granting natural gas pipeline certificates?

Answer: The Natural Gas Act’s purpose is, according to the Supreme Court, is to “to promote the orderly production of plentiful supplies of...natural gas at reasonable prices.” In accordance with this purpose, and considering relevant case law, the Commission must consider the public interest when authorizing proposed projects.

⁹ <https://www.ferc.gov/media/winter-storm-elliott-report-inquiry-bulk-power-system-operations-during-december-2022>

¹⁰ <https://www.eia.gov/todayinenergy/detail.php?id=55699#>

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D) What should FERC be doing, or not be doing, to bring more certainty to gas pipeline developers assessing financial risk?

Answer: I believe that the Commission should act in a timely manner and one that is consistent with the law and Commission precedent so that developers will have regulatory certainty to the maximum extent reasonably possible.

E) Please describe the importance of precedent agreements for developers assessing financial risk for pipeline projects.

Answer: It is my understanding that developers rely on precedent agreements to determine whether there is sufficient support to justify moving forward with a proposed project.

F) FERC is authorized under the Natural Gas Act to certificate interstate gas pipelines when certificating the pipeline is in the public interest. How do you plan to ensure that the public interest determination process does not become politicized?

Answer: If confirmed, I commit to honoring the Commission's role as an independent regulator and to make decisions based on the statute and court precedent and will work to ensure there are predictable and durable bipartisan policies that stakeholders can rely on to understand how the Commission will act on these filings.

Question 2: Yes or no, should climate change factor into FERC's public interest determinations?

Answer: The Supreme Court has said that the principal purpose of the Federal Power Act and the Natural Gas Act, which provide FERC its authority, is, consistent with the public interest, "to encourage the orderly development of plentiful supplies of electricity and natural gas at reasonable prices." Courts have also said FERC must consider certain greenhouse gas emissions from projects.

If honored to be confirmed, I will ensure my decisions are based on the statute and court precedent and will work to ensure there are predictable and durable bipartisan policies that stakeholders can rely on to understand how the Commission will act on these filings.

Question 3: Do you believe that FERC should terminate the now-draft Natural Gas Pipeline (PL18-1) and Interim GHG (PL21-3) Policy Statements?

Answer: As that issue may come before me if confirmed, I will reserve judgment at this point in time. However, as a general matter, if honored to be confirmed I will ensure my decisions in this area are based on the statute and court precedent and will work to ensure there are predictable and durable bipartisan policies that stakeholders can rely on to understand how the Commission will act on these filings.

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Question 4: Do you believe that FERC should reject the “eyeball” test established in *Northern Natural Gas Company* (CP20-503)?¹¹

Answer: I have not had an opportunity to examine this issue yet, but if honored to be confirmed, I commit to discussing it with my colleagues.

Question 5: Please describe your understanding of the principles of *Illinois Commerce Commission v. FERC*.¹² Do you believe that ratepayers should only pay rates that are roughly commensurate with the benefits received from transmission projects? Do you believe that it is appropriate for FERC to compel the construction of vast amounts of new electric transmission and, in turn, broaden the population of ratepayers that will bear the costs of transmission development?

Answer: Although I am not a lawyer, my understanding is that in *Illinois Commerce Commission v. FERC*, the court explained that to ensure that Commission-jurisdictional rates are just and reasonable and not unduly discriminatory or preferential, the Commission must ensure that the costs of new transmission facilities are allocated in a manner that is “at least roughly commensurate” with the estimated benefits of those facilities.¹³ Consistent with the Commission’s obligation under the Federal Power Act to ensure that rates are just and reasonable and with this court precedent, I believe that the Commission should ensure that customers pay rates that are at least roughly commensurate with the benefits that transmission projects provide to them. If I am confirmed, I commit to working with my colleagues on this issue and would review cases before the Commission in a manner consistent with the Commission’s statutory authority under the Federal Power Act and court precedent.

Question 6: How do you view FERC’s responsibilities considering the Major Questions Doctrine and the Supreme Court’s decision in *West Virginia v. EPA*?

Answer: Although I am not a lawyer, my understanding is that the Major Questions Doctrine has not been applied to the Commission’s responsibilities under the Federal Power Act, Natural Gas Act, or any other statute that the Commission administers. If honored to be confirmed, I will consider the Major Questions Doctrine, along with all applicable case law, as part of my decision-making process.

Question 7: Please describe your understanding of FERC’s role in ensuring reliable electric supply.

Answer: It is my understanding that the Commission’s principal role in ensuring reliability is through its responsibility to oversee the development and enforcement of mandatory reliability standards for the bulk-power system pursuant to Federal Power Act section 215. Capacity

¹¹ 174 FERC ¶ 61,189 (2021)

¹² 576 F.3d 470.

¹³ *Id.* at 477.

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markets administered by some RTOs and ISOs also help ensure resource adequacy by procuring sufficient capacity to reliably serve expected peak loads.

Question 8: Please describe your understanding of FERC’s role in ensuring affordable electric supply.

Answer: It is my understanding that FERC has an important role in helping to ensure affordable electric supply for American consumers that is set out in the Federal Power Act. Under the Federal Power Act, FERC is responsible for ensuring that rates for the wholesale sale and transmission of electricity in interstate commerce are just and reasonable, an underpinning of affordability for consumers.

Question 9: Has Congress authorized FERC under the Federal Power Act or Natural Gas Act to aid or hasten a transition to lower-GHG resources?

Answer: I am not aware of anything in the Federal Power Act or the Natural Gas Act that addresses this matter.

Question 10: When it comes to approving reliability must-run contracts for GHG-emitting resources, will you commit to prioritizing grid reliability over GHG reductions?

Answer: If honored to be confirmed, the Commission’s obligation to ensure reliable operation of the grid will be my top priority. Reliability-must-run contracts are typically reserved for resources that a system operator has deemed necessary to meet a system reliability need that may not be met through other market mechanisms. If confirmed, I commit that when reliability-must-run contracts come before the Commission, I will seek to ensure that the Commission’s review of those contracts results in rates are just and reasonable and not unduly discriminatory or preferential.

Question 11: When FERC issued Order No. 2000 and authorized public utilities to begin forming Regional Transmission Organizations, it said, “The Commission’s goal is to promote efficiency in wholesale electricity markets and to ensure that electricity consumers pay the lowest price possible for reliable service.”

If confirmed, will you commit to investigating the question of whether the wholesale restructuring driven by FERC since Order No. 2000 has ensured that “electricity consumers pay the lowest price possible for reliable service”?

Answer: If honored to be confirmed, I intend to work with my colleagues in reviewing any market design proposals to ensure that their design is just and reasonable and succeeds in providing benefits to consumers.

Question 12: In your view, how do RTOs and ISOs compare to traditionally regulated regions in terms of electric reliability? What data leads you to that conclusion?

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Answer: Although I have not extensively reviewed the data comparing the electric reliability outcomes of those two market structures, I am open to evaluating the merits of both RTOs/ISOs and traditionally regulated regions in terms of affordability and reliability.

Question 13: In your view, how do RTOs and ISOs compare to traditionally regulated regions in terms of electric affordability? What data leads you to that conclusion?

Answer: As mentioned in my answer to Question 12 above, I have not reviewed the relevant data in detail, but I am open to evaluating the merits of both RTOs/ISOs and traditionally regulated regions in terms of affordability and reliability.

Question 14: In an RTO or ISO, who is ultimately responsible for reliability and resource adequacy?

Answer: Regarding reliability, my understanding is that, as a general matter, a key responsibility of RTOs and ISOs is to conduct transmission system planning and to oversee the operation of the transmission system to ensure reliable operation of the bulk electric transmission system. NERC reliability standards approved by the Commission pursuant to section 215 of the Federal Power Act also apply to the planning and operation of the bulk power system within an RTO or ISO. Regarding resource adequacy, it is my understanding that, as a general matter, the Federal Power Act reserves the topic of resource adequacy to the states. Some states have chosen to meet their resource adequacy needs in whole or in part through RTO or ISO-administered capacity markets. I have not closely examined the different RTO and ISO structures to understand the ultimate responsibility for resource adequacy or how that may differ among regions.

Question 15: Under what circumstances do you believe it is appropriate for FERC to initiate a “*sua sponte*” (on its own accord) FPA section 206 investigation into RTO market failures?

Answer: I believe that it is appropriate for the Commission to initiate a Federal Power Act section 206 investigation when, consistent with the statute, the Commission finds or suspects that the rate, or any rule, regulation, practice, or contract affecting such rate, that any public utility, including an RTO, is charging appears to have become unjust, unreasonable, or unduly discriminatory or preferential.

Question 16: FERC has long respected regional differences and left joining a Regional Transmission Organization (RTO) to the voluntary decision of state regulators and utilities. Will you pledge to never require any state or utility to join a regional market against its will?

Answer: I believe that states and state regulators are best positioned to make these decisions.

Question 17: Subsidies for wind and solar have led to distorted price signals in RTOs, with prices even going negative in some places. Do distorted price signals lead to distorted resource allocation? How does this distortion impact reliability?

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Answer: In general, price distortions, where they exist, may lead to inefficient investments which could affect reliability. It is my understanding that, in April 2022, the Commission (in Docket No. AD21-10-000) directed RTOs within its jurisdiction to describe how their system needs will change over the next five and ten years and what reforms, if any, would be needed to ensure that the RTOs can continue to reliably provide electricity at just and reasonable rates. In responses filed in October 2022, all RTOs reported plans to institute market reforms to help ensure reliable electric service at just and reasonable rates. If honored to be confirmed, I commit to reviewing these matters with my colleagues.

Question 18: Do you believe FERC has any responsibility to show that the policy actions it undertakes "*sua sponte*" under Section 206 of the FPA achieve the anticipated results?

Answer: Yes.

Question 19: The EPA has proposed policies that would dramatically impact the reliability of the grid. Do you believe FERC should play a larger role in the regulatory process for regulatory actions taken by other federal agencies that may threaten grid reliability?

Answer: As a general matter I believe the FERC has a duty to engage when actions by other agencies affect the reliability of the bulk electric power system. In addition, I support the Commission using its convening authority, where appropriate, to examine the potential effects of certain proposed actions. I also understand that Executive Order 12866 establishes a formal mechanism to coordinate review of agency rulemakings. The Executive Order provides a means to ensure consistency with applicable law and to prevent conflict with policies or action taken or planned by other agencies. I believe that the Commission should continue to participate in such interagency reviews to provide its expertise when actions proposed by other agencies could impact electric reliability.

Question 20: How do you view the current and future role of hydroelectric power in the U.S. electricity mix?

Answer: I believe that hydroelectric facilities play an important role in ensuring that Americans have access to reliable electricity at just and reasonable rates.

Question 21: How do you view the current and future role of coal power in the U.S. electricity mix?

Answer: I believe that coal resources play an important role in ensuring that Americans have access to reliable electricity at just and reasonable rates.

Question 22: How do you view the current and future role of nuclear power in the U.S. electricity mix?

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Answer: I believe that nuclear resources play an important role in ensuring that Americans have access to reliable electricity at just and reasonable rates.

Question 23: Under Section 203(a)(2) of the Federal Power Act, holding companies, including investment companies, that acquire securities of a public utility in an amount of \$10 million or greater must first secure authorization from FERC. The Commission has allowed for some “blanket authorizations,” where acquisitions are authorized without a case-specific order. Blanket authorizations are subject to certain requirements, including in certain circumstances a requirement that a holding company act as a “passive investor” that does not attempt to influence utility company operations.

Should FERC disqualify investors from Section 203 blanket authorizations who have demonstrated significant activism or attempted to influence the day-to-day commercial conduct of a utility company, including (but not limited to):

- a) Entering into agreements with other parties, including ESG asset manager groups, to attempt to force changes in company behavior?
- b) Participating in “engagements” with the company in which the investor (or parties coordinating with the investor) demands that the company change its behavior?
- c) Using its shares to vote against directors who have not complied with the investor’s expressed wishes or expectations?

Answer: Late last year, the Commission issued a Notice of Inquiry on whether and how to revise its policy on blanket authorizations for investment companies. It is my understanding that the proceeding is ongoing and that issues of control are considered through fact-specific inquiry. As I may be called to vote upon these issues if confirmed, I cannot comment on them at this time, but, in general, I understand the importance of concerns about investor control, and I commit to considering all comments.

Question 24: Please assess or describe the effectiveness of FERC Order 1000. In general, do added layers of federal intervention in state processes complicate or slow these processes? Should FERC have additional authority to mandate transmission projects over state objections?

Answer: As a general matter, I support actions that the Commission can take to minimize regulatory burden and I believe that all of the Commission’s processes should be as efficient as possible. I also recognize that the Commission is currently considering whether further changes to its regional transmission planning and cost allocation requirements are warranted through its Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection NOPR. If I am honored to be confirmed, I commit to working with my colleagues to address concerns about the effectiveness of regional transmission planning and cost allocation processes under Order No. 1000.

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Regarding the interaction between federal and state processes, I believe that the Commission should work with its state counterparts to ensure that they work together in an efficient and productive manner, and to ensure that neither unnecessarily or inappropriately complicates or slows the other's processes. My understanding is that the Commission has committed to continue discussions with its state counterparts through the former Joint Federal-State Task Force on Electric Transmission and now the Federal-State Current Issues Collaborative.

Questions from Senator Bernard Sanders

Question 1: Courts have determined that FERC must consider climate and other environmental impacts of gas projects. In the *Sierra Club v Federal Energy Regulatory Commission* court case in 2017, the D.C. Circuit concluded that the National Environmental Policy Act obligates FERC to consider reasonably foreseeable indirect effects, including greenhouse gas emissions, from production and use of gas transported by pipelines. Following the Sabal Trail case, courts have repeatedly affirmed that FERC must consider a pipeline's impact on climate change in its review of new natural gas infrastructure, like in the 2022 *Food and Water Watch v. Federal Energy Regulatory Commission* court case.

- a. Do you agree that greenhouse gas emissions are a relevant public interest factor, and that FERC should consider and report on greenhouse gas emissions as part of the permitting process?

Answer: I understand that consistent with case law, the Commission currently examines and discloses potential greenhouse gas emissions. If honored to be confirmed, I commit to following the statute and all relevant case law in making decisions.

- b. Do you agree that climate change is a relevant public interest factor, and that FERC should consider and report on climate change impacts as part of the permitting process?

Answer: The Supreme Court has said that the purpose of the Natural Gas Act, which provides FERC its authority, is, consistent with the public interest, "to encourage the orderly development of plentiful supplies of ... natural gas at reasonable prices." Courts have also said FERC must consider certain greenhouse gas emissions from projects.

If honored to be confirmed, I will ensure my decisions are based on the statute and court precedent and will work to ensure there are predictable and durable bipartisan policies that stakeholders can rely on to understand how the Commission will act on these filings.

Question 2: If confirmed, would you ever deny an application, or dissent on an application, based on the greenhouse gas emissions of a proposed project?

Answer: I cannot prejudge how I would act in any given case, but if confirmed, I commit to reaching decisions that are consistent with the statutes, case law, and Commission precedent.

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Question 3: Environmental justice communities overwhelmingly bear the brunt of negative impacts from siting decisions related to fossil fuel infrastructure, including disproportionate and persistent public health risks and decreased quality of life. Despite these negative impacts, FERC has never denied a fossil fuel project permit on the grounds of disproportionate negative impacts to environmental justice communities.

- a. If confirmed, how will you weigh harms to communities living at the site of natural gas export terminals and natural gas extraction sites as a public interest factor?

Answer: If I am confirmed, I commit to working with my colleagues to consider the impacts of proposed projects on all affected stakeholders, including environmental justice communities.

- b. If confirmed, would you ever deny an application, or dissent on an application, based on the negative impacts of a proposed project on environmental justice communities?

Answer: I cannot prejudge how I would act in any given case, but if confirmed, I commit to reaching decisions that are consistent with the statutes, case law, and Commission precedent. If I am confirmed, while I will consider the merits of all comments in the record, I will also strive to give appropriate emphasis to the views of stakeholders most directly affected by a Commission decision.

Question 4: The failure of frozen fossil fuel infrastructure was the primary reason for massive electric power outages during Winter Storm Elliot in late 2022 and Winter Storm Uri during early 2021. For example, the FERC-NERC report on Winter Storm Elliot found that natural gas plants accounted for over 63% of outages and derates and coal/lignite accounted for 23% across the event area; for Winter Storm Uri, those event-wide outages were 55% and 18% respectively. Storm-related outages have led to catastrophic loss of life and billions of dollars in economic damages.

- a. In your view, did fossil fuels provide more or less reliable energy than renewable sources of power like wind and solar during these recent winter storm events?

Answer: It is my understanding that the FERC-NERC reports on Winter Storms Elliott and Uri indicate that generators of all types experienced unplanned outages and derates due to a variety of causes, with the majority being freezing, mechanical, or electrical issues. Freezing, mechanical, or electrical issues accounted for 65 percent of the outages in Uri, and fuel issues another 31 percent. In Winter Storm Elliott, these numbers were 72 percent and 20 percent, respectively.

- b. If confirmed, how will you factor these recent fossil fuel infrastructure failures into your consideration of energy infrastructure permitting decisions?

Answer: That will depend on the particular record in each individual proceeding. However, as a general matter, energy reliability could be relevant to consideration of a new project.

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Questions from Senator Steve Daines

Question 1: Mr. Rosner, under the Natural Gas Act, does FERC have the authority to consider upstream and downstream greenhouse gas emissions of a natural gas pipeline when issuing a certificate of public convenience and necessity?

Answer: The Supreme Court has said that the purpose of the Natural Gas Act, which provides FERC its authority, is, consistent with the public interest, “to encourage the orderly development of plentiful supplies of ... natural gas at reasonable prices.” Courts have also said FERC must consider certain greenhouse gas emissions from projects.

If honored to be confirmed, I will ensure my decisions are based on the statute and court precedent and will work to ensure there are predictable and durable bipartisan policies that stakeholders can rely on to understand how the Commission will act on these filings.

Question 2: Mr. Rosner, what role does FERC have in the regulation of greenhouse gas emissions?

Answer: I am not aware of anything in the Federal Power Act or the Natural Gas Act that addresses this matter.

Question 3: Mr. Rosner, can FERC deny a certificate of public convenience and necessity based on a project’s upstream or downstream greenhouse gas emissions?

Answer: The Commission must act in accordance with the statutory purpose of the Natural Gas Act, which the Supreme Court has said is, consistent with the public interest, “to encourage the orderly development of plentiful supplies of ... natural gas at reasonable prices.” I have not examined this issue in detail, but if confirmed, I will ensure my decisions are based on the statute, court, and Commission precedent and will work to ensure there are predictable and durable bipartisan policies that stakeholders can rely on to understand how the Commission will act on these filings.

Question 4: Mr. Rosner, how do you define “public convenience and necessity” as it is used in the Natural Gas Act?

Answer: I define public convenience and necessity as equivalent to the public interest standard.

Question 5: Mr. Rosner, what factors should the Commission review when deciding if the operation, sale, service, construction, extension, or acquisition of a natural gas pipeline is a “public convenience and necessity”?

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Answer: The Commission must review all public interest factors, including project need, environmental issues, reliability, efficiency, and financial considerations.

Question 6: Mr. Rosner, does a customer's willingness to subscribe to long-term pipeline capacity demonstrate pipeline need?

Answer: Yes. The execution of long-term precedent agreements or contracts is a significant indication that a proposed project is needed. If honored to be confirmed, I will follow the statute and all relevant precedent to carefully examine the facts of any case in order to determine project need.

Question 7: Mr. Rosner, would you weigh a speculative economic study higher than real-life contracts when deciding if a project is economical?

Answer: I would have to carefully examine the merits of a study and the nature of contracts in any particular proceeding to make that determination.

Question 8: Mr. Rosner, can FERC require companies to pay-for or mitigate upstream or downstream greenhouse gas emissions not directly connected to a natural gas pipeline project under the jurisdiction of FERC?

Answer: If honored to be confirmed, I would need to study this issue further. However, I do not believe that Congress has provided FERC with responsibility in this area.

Question 9: Mr. Rosner, how do you define "consistent with the public interest" as it is used in the Natural Gas Act?

Answer: I define that term to mean that, on balance, the project provides overall benefits to the public, which, under the Natural Gas Act, is a question that must be viewed in light of the Natural Gas Act's primary purpose of encouraging the orderly development of plentiful supplies of natural gas at reasonable prices.

Question 10: Mr. Rosner, what factors should the Commission review when deciding if an LNG terminal is "consistent with the public interest"?

Answer: I believe the Commission should consider the benefits and impacts of the proposed project based on the record in any particular proceeding.

Question 11: Mr. Rosner, where in the Natural Gas Act, or other statutes granting FERC regulatory powers, is FERC granted the power to regulate greenhouse gas emissions?

Answer: I am not aware of anything in the Natural Gas Act or the Federal Power Act that addresses this matter..

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Question 12: Mr. Rosner, do you believe that the premature or forced closure of existing coal and other fossil fuel generating plants, like the Colstrip Power Plant in Montana, will impact the reliability of the electrical grid, both regionally and as a whole, and the affordability for customers who depended on the energy produced at the prematurely closed locations?

Answer: It is undisputed that the energy mix is changing, bringing both reliability challenges and opportunities to the U.S. grid. The retirement of dispatchable generation, including coal-fired power plants, is, according to the North American Electric Reliability Corporation (NERC), contributing to reliability challenges.¹⁴ If honored to be confirmed, I commit to carefully evaluating the impact of generator retirements on both electric reliability and affordability, and to working with my colleagues on this matter, which is a top priority for me.

Question 13: Mr. Rosner, do you believe that it is FERC's responsibility to ensure that the grid remains reliable?

Answer: Yes. FERC plays a key role, alongside the states, in ensuring grid reliability. Section 215 of the Federal Power Act requires that the Commission oversee NERC, which includes reviewing and approving proposed reliability standards and, when necessary, directing NERC to develop new standards. Additionally, section 215 authorizes the Commission to oversee NERC's enforcement actions to ensure compliance with mandatory reliability standards, as well as to take enforcement actions of its own in this area.

Question 14: Mr. Rosner, as part of FERC's mission to ensure that consumers have reliable energy services, do you believe that it is FERC's role as an independent agency to inform other agencies of the impact of proposals that could affect the reliability of the grid and, when necessary, push back on agencies in order to minimize adverse impacts to the electrical grid?

Answer: I believe that job number one for the Commission is to ensure electric reliability. Accordingly, if there were circumstances where reliability was at stake due to actions of other agencies, I would communicate those concerns to that agency.

Question 15: Mr. Rosner, according to the Energy Information Agency "global energy consumption will increase nearly 50% over the next 30 years". Do you agree that in order to maintain reliability, which is a factor FERC's mission statement specifically mentions, the United States should maintain a balanced energy portfolio that includes baseload power like hydro, coal, gas and nuclear as well as intermittent resources like wind, solar, and other emerging technologies?

¹⁴ North American Electric Reliability Corporation, 2023 Long-Term Reliability Assessment, December 2023, at 6. Available at https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_LTRA_2023.pdf.

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Answer: Yes. As I stated during my nomination hearing, I believe in an all-of-the-above philosophy when it comes to generating resources. Grid challenges experienced over the past decade have shown us that there is strength in a diverse resource mix.

Question 16: Mr. Rosner, do you believe that international climate commitments should overrule an individual state's decision to deploy or operate coal or natural gas power plants?

Answer: FERC does not administer international climate commitments. The Federal Power Act, which FERC does administer, reserves to states the authority over their generation mix. If honored to be confirmed, I intend to respect that reservation of authority to states.

Question 17: Mr. Rosner, do you believe that one state should have the ability to block another state's decision to deploy or operate coal or natural gas power plants?

Answer: No. Under the Federal Power Act, FERC regulates the rates, terms, and conditions for the transmission of electric energy and wholesale sales of electric energy in interstate commerce, while states retain authority over generation choices within their borders. If honored to be confirmed, I intend to respect that authority.

Question 18: Mr. Rosner, do you believe that coal and natural gas play an important role in the reliability of the electric grid?

Answer: Yes.

Question 19: Mr. Rosner, nearly half of the non-federal hydropower fleet will need to be relicensed in the next decade, accounting for hundreds of projects and thousands of megawatts. As discussed during the hearing, I have introduced a bipartisan solution to speed up permitting, increase tribal voices, and protect fish habitat. Do you support the goals of my legislation and will you commit to working with me to get hydropower licensing reform signed into law?

Answer: Yes, I support the goals of your legislation, which is to speed up permitting for these important resources, increase Tribal engagement, and protect fish habitat. If Congress enacts new legislation assigning responsibilities to the Commission, I commit to working with my colleagues to implement it.

Question 20: Mr. Rosner, what actions do you think FERC could take today to speed up hydropower licensing and relicensing?

Answer: I do not have any specific recommendations at this time, but I commit to working toward this goal if I am confirmed.

Question 21: Mr. Rosner, do you agree that we should expand hydropower generation throughout the United States?

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Answer: Yes. Hydropower is an important clean energy source.

Question 22: Mr. Rosner, do you support breaching the Lower Snake River hydropower dams?

Answer: I do not have a position on this issue. I believe these dams are federal facilities that are beyond the Commission's jurisdiction.

Question 23: Mr. Rosner, do you believe the breaching of federal or non-federal hydropower dams could negatively affect grid reliability and energy prices?

Answer: I have not examined this issue, but if confirmed, I commit to looking further into the concerns you raise on grid reliability and energy prices. In general, it is clear that hydropower facilities play an important role in ensuring electricity reliability and affordability.

Question 24: Mr. Rosner, according to the Energy Information Agency from 2020-2023 the average price of electricity has increased from 13.15 cents per kilowatt-hour to 15.98 cents per kilowatt-hour. What do you see as a driving factor of this increase?

Answer: Various factors influence changes in electricity prices, including, for example, changes in fuel prices, weather events, and the cost of delivering power at the retail level.

Question 25: Mr. Rosner, if confirmed what actions would you take to help curb or lower energy costs?

Answer: If I am confirmed, I will, consistent with the Commission's statutory obligation under the Federal Power Act, evaluate filings that come before the Commission to ensure that they are just and reasonable and not unduly discriminatory or preferential. Furthermore, I understand that, if the Commission identifies existing tariff provisions that are resulting in unjust, unreasonable, or unduly discriminatory or preferential rates, the Commission has the authority under Federal Power Act section 206 and Natural Gas Act section 5 to establish just and reasonable replacement rates. Finally, timely review of infrastructure projects will be a priority for me.

Question 26: Mr. Rosner, in what circumstance would you deny a project that helped decrease energy costs and increase reliability?

Answer: As a general matter, I support actions that the Commission can take within its statutory authority to decrease energy costs and increase reliability. However, any specific action towards these goals is a matter that would depend on the facts of any given case. If honored to be confirmed, I commit to carefully considering the benefits of any proposed project in light of the relevant statutory requirements.

Question 27: Mr. Rosner, in your opinion what are the most important steps FERC should take to improve the reliability of our energy systems?

Answer: I believe that the reliability of the bulk-power system is the Commission's most

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important responsibility and this will be a top priority for me if confirmed. I commit to working with my colleagues and FERC staff to assess the current issues impacting the reliability of the bulk-power system and take appropriate action within the Commission's jurisdiction.

Question 28: Mr. Rosner, what statutory limitations exist that limit FERC from considering environmental justice when making regulatory decisions?

Answer: I believe that there are different avenues through which the Commission may consider environmental justice when making regulatory decisions, but that, in doing so, the Commission must always first ensure that such steps are consistent with its statutory authority.

Question 29: Mr. Rosner, how do you plan to balance the rapid rate of baseload plant retirements across the country and the current push to transition to an electrified economy?

Answer: It is essential that the Commission works to ensure reliable electric service, including during the transition the energy industry is currently experiencing. If honored to be confirmed, I intend to work with all stakeholders to ensure that Commission-jurisdictional markets continue to send appropriate price signals to facilitate orderly entry and exit. In addition, I hope to work with my colleagues to shorten the time it takes new resources to interconnect to the transmission system and to consider transmission planning reforms to ensure needed transmission is planned and constructed efficiently.

Question 30: Mr. Rosner, if confirmed what will be your top three priorities on the commission?

Answer: If honored to be confirmed, my priorities will be as follows: (1) reliable operation of the electric grid, (2) ensuring that rates are just and reasonable, and (3) timely review of energy infrastructure proposals.

Question 31: Mr. Rosner, FERC's mission statement states "FERC's mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost." In this context how do you define "reliable"?

Answer: FERC's mission statement centers on consumer expectations, and I therefore believe that "reliable" in this context refers to what consumers expect out of the bulk-power system. Consumers expect to have access to the electric power they need at the time they need it. FERC accomplishes this aspect of its mission by exercising its authority under section 215 of the Federal Power Act to oversee the development and enforcement of mandatory reliability standards.

Question 32: Mr. Rosner, FERC's mission statement states "FERC's mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost." In this context how do you define "safe"?

Answer: I believe that "safe" means that energy infrastructure is built and operated in a manner that minimizes risk to the public, the energy sector workforce, and the environment.

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Question 33: Mr. Rosner, FERC’s mission statement states “FERC’s mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost.” In this context how do you define “secure”?

Answer: I believe that the Commission mission statement’s mention of “secure” energy services relates to the work carried out by the Commission and its staff to safeguard jurisdictional energy infrastructure, including by the establishment of mandatory reliability standards for physical and cybersecurity, as well as by sharing best practices with owners, users, and operators of the bulk-power system.

Question 34: Mr. Rosner, FERC’s mission statement states “FERC’s mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost.” In this context how do you define “economically efficient”?

Answer: With respect to FERC’s mission, I would describe “economically efficient energy services” as those that are provided at rates that are closely tied to the cost of providing the services.

Question 35: Mr. Rosner, FERC’s mission statement states “FERC’s mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost.” In this context how do you define “at a reasonable cost”?

Answer: Please see my answer to Question 34 above.

Question 36: Mr. Rosner, FERC’s mission statement states “FERC’s mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost.” Are there factors outside of those listed that you would apply when deciding to approve or deny a project?

Answer: I believe that the mission statement accurately reflects the factors the Commission must consider.

Question 37: Mr. Rosner, when weighing public comments on a proposed project, would you weigh local constituents’ comments whose lives, jobs, and communities are directly affected over those of out-of-state, international, or other constituents who are not directly affected by a project?

Answer: If I am confirmed, while I will consider the merits of all comments in the record, I will also strive to give appropriate emphasis to the views of stakeholders most directly affected by a Commission decision.

Question 38: Mr. Rosner, there are examples of current and former administration officials who do not reside in the city or immediate area of their duty station. This can make it difficult to both manage staff and importantly take meetings and hear feedback from stakeholders and constituents wishing to petition their government. If confirmed, would there be anything precluding you from residing within close proximity to FERC’s offices in order to best fulfill

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your role on the Commission?

Answer: No.

Questions from Senator Catherine Cortez Masto

Question 1: The Fiscal Year (FY) 2025 Budget Request for the Federal Energy Regulatory Commission (FERC) continues to prioritize a strong and robust enforcement program. Specifically, one of FERC's objectives for FY25 is to strengthen its ability to detect and deter energy market manipulation. This builds on FERC's Seventeenth Annual Report on Enforcement, which determined that at least eleven of the nineteen manipulation cases opened during FY23 involved potential market manipulation.

Earlier this Congress, I co-introduced S.1410, the *Energy Consumer Protection Act*, in order to provide FERC with additional authority and tools to deter traders that repeatedly manipulate electricity and natural gas markets. During a Senate Committee on Energy and Natural Resources hearing on May 4, 2023, Chair Phillips, Commissioners Clements and Christie, and former Commissioner Danly all expressed their support for the purpose of S.1410.

If confirmed, how would you work to combat energy market manipulation? Are you supportive of S.1410? Why or why not?

Answer: If honored to be confirmed, I commit to work with my colleagues to ensure that the electricity and natural gas markets are free from market manipulation and other forms of fraud. As a general matter, I see benefits to Congress providing the Commission with additional tools to deter bad actors from manipulating the markets and stop previous offenders from causing repeated harm. I stand ready to assist Congress with development of legislation in this area.

Questions from Senator Cindy Hyde-Smith

Question 1: I believe it is critical to continue investing in our nation's natural gas infrastructure to achieve America's energy security, reliability, and affordability. With the continued push to further grow renewable energy reliance, what do you see as the role of natural gas as part of the U.S. energy portfolio in the short- and long-term? Will a growing reliance on renewable energy cause us to require additional natural gas infrastructure to provide flexible and dispatchable fuel and storage?

Answer: Natural gas provides fuel for dispatchable resources and contributes to the diversity of our resource mix, and I believe that it will remain a part of our nation's energy mix for the foreseeable future. My understanding is that, in an October 2023 report in response to Winter Storm Elliott, Commission staff recommended a study to determine if additional natural gas infrastructure is needed to support the reliability of the electric grid. I will review the results of such further analysis with an eye toward energy security, reliability, and affordability.

Question 2: As a matter of public policy and your interest in FERC's ensuring stability and reliability of U.S. LNG, if facilities have been operating at or above nameplate capacity for a

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period of years, then does it make sense for such facilities to delay their in-service date?

Answer: I have not reviewed this issue but if honored to be confirmed, I can commit to understanding in- service timing.

Question 3: In your view and experience, how many shipped cargoes would be reasonable before a facility should be deemed “in service,” as a matter of public convenience and necessity?

Answer: I have not studied this question in detail, but I commit to doing so if I am honored to be confirmed.

Question 4: FERC has long and prudently respected regional differences and left joining a Regional Transmission Organization to the voluntary decision of state regulators and utilities. Do you agree on the importance of respecting regional differences and state jurisdictional authority and therefore do you pledge to not impose an RTO on regions, states, and utilities if they do not want one?

Answer: I believe that states and state regulators are best positioned to make these decisions. If I am confirmed, I will work to ensure that the Commission respects utilities’ and states’ policy choices regarding RTO/ISO membership.

Question 5: As it relates to your oversight of the RTOs and ISOs, if confirmed, do you commit to exercising your jurisdictional mandate to ensure that rates are just and reasonable? Do you believe that the outsized problems in RTOs may be leading to unjust and unreasonable rates?

Answer: I believe it is appropriate for the Commission to initiate a Federal Power Act section 206 investigation if the Commission finds that the rate, or any rule, regulation, practice, or contract affecting such rate, charged by any public utility, including an RTO or ISO, appears to have become unjust, unreasonable, or unduly discriminatory or preferential. If honored to be confirmed, my priority will be to work with my colleagues to ensure that the Commission achieves its mission to assist consumers in obtaining reliable, safe, secure and economically efficient energy services at reasonable cost.

Questions from Senator Josh Hawley

Question 1: What do you believe are the greatest challenges facing FERC?

Answer: The Commission’s core responsibility and greatest challenge is to ensure the reliable operation of the country’s electric grid. If honored to be confirmed, reliability will be a top priority.

Question 2: What do you believe are the greatest opportunities before FERC?

Answer: The U.S. energy system, due in part to the success of bipartisan legislation that originated from this Committee, is in transition. Significant new sources of energy demand—

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including the re-shoring of manufacturing—represent an economic opportunity for the country. Maintaining reliable operation of the electric grid at reasonable cost to consumers as this transition unfolds is both a challenge and an opportunity for the Commission.

Question 3: If confirmed, what will be your top three priorities in office?

Answer: If honored to be confirmed, my priorities will be as follows: (1) reliable operation of the electric grid, (2) ensuring that rates are just and reasonable, and (3) timely review of energy infrastructure proposals.

Question 4: If you are called to testify before this committee in a year's time, by what objective metrics should the committee evaluate your performance?

Answer: The number of orders voted is one objective measure by which the performance of the Commission can be assessed.

Question 5: If confirmed, what concrete steps do you plan to take to ease the regulatory burden on small businesses?

Answer: I support actions that the Commission can take to minimize the regulatory burden on small businesses, and, if honored to be confirmed, I commit to carefully studying this issue. As a general matter I believe that all of the Commission's processes should be as efficient as possible.

Question 6: Which predecessor(s) in the position to which you have been nominated do you most admire, and why?

Answer: There are many admirable Commissioners. Examples include Chair Kelliher, for rapidly implementing the major new authorities entrusted to the Commission by Congress in the Energy Policy Act of 2005 to oversee the reliability of the country's bulk-power system; Commissioner Norris, for his focus on consumers; Commissioner Moeller, for his work to improve reliability through harmonization of the natural gas and electric industries; Chair LaFleur, for her leadership of the agency across administrations; and finally, Chair Chatterjee, for his work to integrate energy storage into the grid and his commitment to providing technical assistance to regulators across the globe.

Question 7: What episodes in American history best inform your understanding of the agency's mission?

Answer: The Northeast blackout of 2003 was fundamental to shaping the Commission's mission to ensure reliable operation of the electric grid.

Question 8: Since you were first contacted about being considered for this nomination, have you deleted, attempted to delete, or made private any content on your social media? If so, please produce copies of all originals.

Answer: My personal social media accounts have been private continuously since they were

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created more than a decade ago. From time to time, I post, edit, and delete content on my personal, private accounts. I do not retain copies of this content.

Question 9: What do you believe is the proper role of cost-benefit analysis in agency regulation?

Answer: As a general matter, the Commission's authorizing statutes do not require public utilities or natural gas pipelines to provide cost-benefit analyses to support their filings. I believe that costs are an important factor for the Commission to consider; however, consistent with the Commission's broad discretion to weigh a variety of non-cost factors in evaluating whether filings are just and reasonable, there are other factors that I believe also should be considered. For example, I believe that it is important to consider any comments that the Commission receives concerning a filing, as well as economic principles, in determining whether that filing is just and reasonable.

Question 10: In your view, what are the three greatest areas of waste, fraud, and abuse at the agency to which you have been nominated?

Answer: In my experience at the Commission, I have no first-hand knowledge of any areas of waste, fraud, or abuse.

Question 11: In your view, what are three areas of bureaucratic red tape that should be eliminated at the agency to which you have been nominated?

Answer: Although I have experience working at the Commission, I have not identified specific areas of red tape that should be eliminated. If honored to be confirmed, I intend to work towards the Commission processing its cases on a timely basis.

Question 12: Do you or your spouse hold any individual shares in companies regulated by FERC?

Answer: My spouse holds shares in Amazon.com, Inc. These shares will be divested if I am honored to be confirmed. I commit to follow all applicable ethics rules, regulations, and the statute and to abide by the terms of my Ethics Agreement.

Question 13: Have you ever explicitly considered race when making hiring decisions? If so, please describe the circumstances.

Answer: No.

Question 14: If confirmed, what concrete steps do you plan to take to partner with State and local governments to fulfill the agency's mission?

Answer: I believe that state and local governments are important partners for the Commission. Accordingly, I would carefully consider any views or opinions expressed in Commission proceedings by state and local governments or their representatives.

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Question 15: If confirmed, what concrete steps do you plan to take to address concerns of residents in Missouri?

Answer: As with state and local governments more generally, I would carefully consider any views or opinions expressed by Missouri residents in Commission proceedings.

Question 16: Have you or any member of your family ever had any commercial relationship with the Chinese Community Party or a China-based business entity?

Answer: Never to my knowledge.

Question 17: Do you have any experience working with artificial intelligence?

Answer: I have not had the opportunity to carefully study this important topic, but I commit to doing so should I be honored to be confirmed.

Question 18: Do you have any experience with cybersecurity?

Answer: I have not had the opportunity to carefully study this important topic, but I commit to doing so should I be honored to be confirmed. However, as a general matter, I believe that cybersecurity of the U.S. energy system is critical to reliability, which is a top priority for me.

Question 19: Why do you believe that the regulatory state is sufficiently larger today than it was 70 years ago? If so, why do you believe that is?

Answer: This is not a topic that I have specific knowledge or insight into. If honored to be confirmed my priority will be to ensure that the Commission achieves its mission to assist consumers in obtaining reliable, safe, secure and economically efficient energy services at reasonable cost.

Question 20: If confirmed, what steps would you take to guard against regulatory capture?

Answer: The Commission is an independent regulatory agency with a long history of making decisions based on the facts and circumstances of any particular proceeding in light of the applicable law. I believe that continuing that tradition is the best way to guard against regulatory capture, and I commit to doing so, if honored to be confirmed.

Question 21: What areas of the agency's mission do you believe are most in need of further study?

Answer: If honored to be confirmed, my priority will be to ensure that the Commission achieves its mission to assist consumers in obtaining reliable, safe, secure and economically efficient energy services at reasonable cost.

Question 22: What in your record speaks to your ability to work in a bipartisan manner?

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Answer: Throughout my career, I have worked to build consensus in a bipartisan manner as follows: first, as a member of the staff that launched the Bipartisan Policy Center; then by supporting Secretary Moniz and his team at the U.S. Department of Energy; as staff with the Federal Energy Regulatory Commission supporting Chairs from both political parties; and most recently during my time as a staff member detailed from the Federal Energy Regulatory Commission to this Committee.

Question 23: If confirmed, what concrete steps would you take to promote the hiring and retention of agency employees outside of the Washington D.C. area, including in regional offices in States like Missouri or through telework?

Answer: I believe it is important to hire outside of the Washington D.C. area as FERC's regional offices play an important role in accomplishing FERC's mission. If honored to be confirmed, I will work with the Chairman to ensure FERC continues this strategy.

Question 24: In your opinion, what statutory authorities do you believe are currently underutilized by the agency?

Answer: If honored to be confirmed, I intend to exercise the Commission's statutory authority permitted by Congress. However, at this time, I do not have a sense of what statutory authorities are currently being underutilized.

Question 25: What is the applicable legal standard for reversing a prior agency policy?

Answer: Although I am not a lawyer, I understand that the Supreme Court has held that an agency may reverse a prior agency policy if it shows that the new policy is permissible under the statute, that there are good reasons for the new policy and the agency explains its reasoning for the change, and that the agency believes the new policy to be better than the old one.

Questions from Senator Angus S. King

Question 1: Do you believe that transmission providers should be required to evaluate dynamic line ratings as part of interconnection request studies?

Answer: My understanding is that the Commission is currently considering dynamic line ratings in a Notice of Inquiry proceeding in Docket No. AD22-5-000. I also understand that, in Order No. 2023, the Commission determined not to require that transmission providers evaluate dynamic line ratings in their interconnection studies. Generally, dynamic line ratings provide the potential to increase capacity on transmission lines in a low-cost, efficient manner. If honored to be confirmed, I would review with my colleagues whether and, if so how, dynamic line ratings should be considered in planning new transmission facilities and in operating the current system.

Question 2: Do you believe that transmission providers should be required to evaluate dynamic line ratings as part of reliability policy and economic transmission planning processes?

Answer: My understanding is that the Commission issued a NOPR in Docket No. RM21-17-000

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(known as Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection) proposing that transmission providers more fully consider dynamic line ratings in regional transmission planning. If honored to be confirmed, I would work with my colleagues to examine this issue in the planning context you describe as well as in other areas.

Question 3: Do you believe it is appropriate for aggregated energy efficiency projects to be included in capacity markets?

Answer: My understanding is that energy efficiency currently plays an important role in Commission-jurisdictional wholesale electricity markets. As a general matter, I support FERC's longstanding policy of ensuring that jurisdictional wholesale electricity markets are resource- and fuel-neutral. To that end, I believe that these markets operate most efficiently when resources are eligible to provide all capacity, energy, and ancillary services that they are technically capable of providing.

Question 4: Do you believe that transmission providers should be required to evaluate energy storage serving as a transmission asset as part of interconnection request studies?

Answer: It is my understanding that transmission providers may consider, at their discretion, storage that performs a transmission function in interconnection studies. I understand that the Commission, in Order No. 2023, did not require transmission providers to evaluate storage that performs a transmission function in their interconnection studies. If honored to be confirmed, I would work with my colleagues to examine this issue.

Question 5: Do you believe that transmission providers should be required to evaluate energy storage serving as a transmission asset as part of reliability policy and economic transmission planning processes?

Answer: In Docket No. RM21-17-000, a proceeding known as Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection, the Commission issued a NOPR proposing to require that transmission providers more fully evaluate advanced power flow control devices and dynamic line ratings during regional transmission planning. The Commission also asked for comment on whether additional technologies should be considered. If honored to be confirmed, I would work with my colleagues to examine these important issues.

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Questions from Senator Ron Wyden

Question 1: How will you prioritize the building out of new transmission lines to bring more renewable energy online and shore up the resilience of our electrical grid?

Answer: I understand that the Commission is considering reforms to its transmission planning and cost allocation rules in the Notice of Proposed Rulemaking (NOPR) in Docket No. RM21-17-000 (Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection). The Commission has also issued Order No. 2023 (Improvements to Generator Interconnection Procedures and Agreements) to facilitate interconnection of new generation, including renewable energy resources. Without prejudging any of those or related issues that I may be called on to address if confirmed, I share the Commission's commitment to ensuring that the transmission system continues to operate in a reliable and economically efficient way, including through using the Commission's statutory authority to help facilitate needed infrastructure buildout. Sufficient infrastructure is a prerequisite to ensuring energy availability, and I appreciate the challenges and opportunities as the Commission oversees a time of dynamic change in the energy markets. I believe that an "all of the above" approach that recognizes the benefits of resource diversity and respects different state needs and priorities helps resilient operations. If confirmed, I commit to working with my colleagues on these important issues.

Question 2: How will you position FERC to best handle physical and cyber security threats to critical water infrastructure such as hydroelectric facilities?

Answer: Hydroelectric facilities are a key piece of our energy mix and I take seriously the need to keep them secure against the evolving nature of today's security threats. The Commission's Office of Energy Projects conducts physical and cyber security inspections and audits of Commission jurisdictional hydropower projects. I understand that the Commission's *Security Program for Hydropower Projects* prioritizes inspections and audits based on the licensee's portfolio and on the risk the hydropower facility poses. I also understand that Commission staff work with hydropower project licensees to ensure compliance. Additionally, it is my understanding that Commission staff share best practice information with licensees. Finally, I understand that Commission staff coordinate with other federal dam sector partners on relevant issues. If confirmed, I commit to working with my colleagues on these important matters.

Questions from Senator James E. Risch

Question 1: I am concerned about FERC encroaching on the states' role in ensuring their citizens receive reliable and affordable power. It seems FERC will soon be issuing new rules on transmission planning and cost allocation that could force states to accept transmission lines that traverse their land and funded by the citizens of the state even though they will receive little or no benefit.

- Will you commit to working with state public utility commissions and give deference to their determinations as to whether new electric transmission lines benefit or harm their citizens?

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Answer: I share your concern for the States' roles in this area and respect the many ways the statutes governing FERC's authority protect their traditional authority. I commit to working with state public utility commissions and carefully considering their views, as appropriate and consistent with the Federal Power Act, the Administrative Procedure Act, and other relevant laws and regulations.

- Will you commit to never forcing a State to either unwillingly build transmission or unwillingly authorize transmission to be built?

Answer: Although the Commission has limited authority to site electric transmission facilities after making specific findings under section 216(b) of the FPA, I am not aware of any authority to force States to build transmission facilities or authorize transmission facilities to be built. I respect the States' authority to make resource decisions that are within their jurisdiction.

Question 2: One of the biggest questions surrounding the development of long, interregional transmission lines across the country is answering, "who pays."

- Do you commit to not imposing the cost of transmission on customers who do not directly and quantifiably benefit from the lines?

Answer: I view the cost causation principle, as developed in caselaw, to require the Commission to ensure that the burden on ratepayers in paying for a project should be matched with its benefits to them. This analysis is a critical part of the just and reasonable standard under the FPA. I commit to upholding that requirement.

- Do you commit to respecting the preferences and role of the states through which these lines might be sited, especially if state commissions oppose passing the cost of the lines on their consumers?

Answer: I have great respect for the States' preferences and their insight into how questions like these affect their residents and interests. I commit to working with state public utility commissions and carefully considering their views, as appropriate and consistent with the FPA, the Administrative Procedure Act, and other relevant laws and regulations.

Question 3: The Federal Power Act gives states authority over generation decisions. Should FERC give states deference on how they generate electricity?

Answer: Yes.

Question 4: Should FERC give states deference in determining whether or not to join organized markets?

Answer: Yes. Participation in regional transmission organizations and independent system operators is a voluntary decision for utilities and their state regulators.

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Question 5: Should FERC give states deference in implementing PURPA regulations?

Answer: PURPA tasks the Commission with promulgating rules for implementation, but tasks the States with implementing those rules. I appreciate the prominent role that Congress gave the States in administering PURPA regulations, and I will respect that role if I am confirmed as a Commissioner.

Question 6: Hydropower is an important component of Idaho's energy mix. In fact, about 60 percent of the electricity used in Idaho each year is generated by hydropower. What are your general views about hydropower? In your opinion, do you consider hydropower to be a renewable energy source?

Answer: I view hydropower as an important renewable energy source. Hydropower facilities are a key piece of our energy mix—as you note, many States rely on it heavily as part of their overall resource mix to deliver reliable and affordable energy to their residents. I would consider hydropower on equal footing with any other source in areas where FERC is required to be fuel-source neutral. And I would prioritize efficient permitting decisions for hydropower projects that fall within FERC's jurisdiction under Part I of the FPA.

Question 7: Despite its many benefits, licensing or relicensing a hydropower facility takes several years. In Idaho, we've seen relicensing take more than a decade. FERC issues hydropower licenses, but the approval process involves many other federal and state agencies working under various independent statutory authorities. This can lead to delays, redundancies, conflicts, and increased costs that are ultimately borne by ratepayers. Do you believe Congress should simplify this process to ensure reasonable timeframes for decisions? If not, please explain why you believe the current process is working.

Answer: I do not have specific experience with the hydropower licensing process, so I am not yet in a position to make specific recommendations for improvements to the current process. My experience working with state agencies and stakeholders in other permitting contexts, however, has underscored how much efficiency and predictability matter. Generally, I believe that all regulatory processes should be timely, cost-efficient, and as straightforward as possible. If confirmed, I will look closely into this issue.

Question 8: The issue of how the Commission considers Greenhouse Gas (GHG) emissions in its certificate proceedings, and the usefulness of the "Social Cost of Carbon" (SCC), has been a topic of considerable debate at FERC. The Commission has consistently held, most recently in the so-called "Driftwood compromise," and in subsequent Commission orders, that there is no "scientifically accepted method that would enable the Commission to determine the significance of reasonably foreseeable GHG emissions" and "calculating the social cost of GHGs does not enable the Commission to determine credibly whether the reasonably foreseeable GHG emissions associated with a project are significant or not significant in terms of their impact on global climate change." This method of not using the SCC to determine significance has been upheld by the D.C. Circuit. This is appropriate because Congress has directed FERC to oversee energy markets and infrastructure development, not regulate greenhouse gas emissions.

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- If confirmed, will you commit to abide by FERC precedent including the “Driftwood compromise”? Why or why not?

Answer: I believe in following agency precedent to the extent possible and consistent with the applicable statutes. I also appreciate the issues the “Driftwood compromise” addressed and the need for regulatory predictability and sound evidence when applying statutory criteria—including what factors are reasonably foreseeable in a NEPA analysis.

Question 9: The United States has been blessed with plentiful reserves of natural gas that can serve both our own needs and support our allies abroad. Likewise, we have an incredible interconnected system that stretches across the country to bring natural gas from production areas to regions of the country in need of energy. Natural gas may be produced hundreds or even thousands of miles from the pipeline it is traveling through and the area in which it is consumed. In addition, natural gas production is unpredictable, with individual wells producing at variable rates based on commodity prices and geology. Natural gas *production* is also outside of the legal jurisdiction of FERC. As such, the Commission’s current practice has correctly and appropriately not viewed upstream emission impacts from production as reasonably foreseeable under NEPA.

- Do you agree with the Commission that upstream GHG emissions are not reasonably foreseeable under NEPA? Why or why not?

Answer: NEPA requires considering the reasonably foreseeable environmental effects of a proposed major agency action. If confirmed I would apply that legal standard to the specific record in proceedings before me. I also appreciate and support the Commission’s practice in finding that upstream emissions related to production do not meet that reasonably foreseeable requirement, and I am not aware of any judicial holding that would require the Commission to change course.

Question 10: Like upstream emissions, it is often impossible for the Commission to reasonably foresee downstream emissions. When gas is transported to shippers, such as a local distribution company, there is no way for the Commission nor the project proponent to determine what the downstream emissions impacts will be, because their visibility ends once natural gas enters the local utility system. In addition, some natural gas projects transport gas to liquid trading points within the interstate system. The ultimate destination and uses of this gas is unknowable.

- Do you agree that except in very narrow circumstances the Commission cannot reasonably foresee downstream emissions for interstate natural gas pipelines?

Answer: I am aware that the Commission has found in certain instances that downstream emissions were not reasonably foreseeable, that the D.C. Circuit disagreed in its *Sabal Trail* decision, and that NEPA’s recent amendments and implementing regulations confirm this as an evolving and fact-specific area of the law. If confirmed I would look closely at the record in a specific case to determine if downstream emissions meet the legal requirements of reasonable foreseeability and proximate causation.

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- Do you agree that a so-called “full burn” estimate used to determine the emissions impacts of downstream emissions fails to accurately consider such emissions because it does not reflect typical utilization rates, and is therefore inappropriate for the Commission to use when considering certificate applications?

Answer: I understand that while the Commission has used full burn estimates in the absence of detailed information on gas use, it has indicated that these are likely overestimates. I appreciate the complications this method of analysis presents.

Question 11: The Commission has consistently rejected the social cost of GHGs as being inappropriate for consideration in the Commission’s public interest determinations. The Commission has clearly spoken in numerous orders on this issue. Will you commit to abide by FERC precedent on the use of the social cost of GHGs?

Answer: Please see my answer to Question 8 above.

Question 12: Longstanding FERC precedent, as well as the text and intent of the Natural Gas Act, supports the use of long-term precedent agreements as the strongest indicator of market need for natural gas projects. Natural gas pipeline companies and their shippers are sophisticated commercial entities and only enter such long-term binding contracts if they are certain that the project makes economic sense and is truly driven by market need. Do you agree that long-term precedent agreements remain the single most important demonstrator of need for FERC’s public interest determination? If not, why not?

Answer: The Commission has held that long-term precedent agreements are significant evidence of project need. I agree with the rationale behind that conclusion and have no reason to disagree with it.

Questions from Senator Maria Cantwell

Question 1: ANTI-MARKET MANIPULATION ENFORCEMENT

In the wake of the Enron scandal, Congress required greater transparency in electricity and natural gas markets. And empowered FERC to go after bad actors who manipulated markets to exploit consumers. Since 2005, FERC has built a permanent cadre of internal energy experts that continually monitor and investigate anomalous market trends. And anticompetitive behavior. These policemen on the beat have uncovered numerous schemes. To date approving over 130 settlement agreements, assessing over \$800 million in civil penalties, and disgorging over \$550 million in illegal profits.

- Do you believe energy markets can be competitive, and produce just and reasonable rates, if they are not free from market manipulation and other forms of fraud?

Answer: No.

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- If FERC determines that an energy market participant made financial gains based on fraud or manipulating markets, do each of you believe those misbegotten gains should be promptly returned to injured parties or consumers?

Answer: Without prejudging the facts of any specific case, yes. Disgorgement of misbegotten gains ensures that an offending market participant will not profit from its wrongdoing and that victims can recover losses they suffered from the misconduct.

- What additional authorities, if any, would you like Congress to grant FERC to further augment their ability to prevent fraud and market manipulation?

Answer: I understand that Congress is considering proposals that would authorize FERC to impose a trader ban in certain circumstances. Although I have not yet had the opportunity to study that proposal in detail, I appreciate the concerns behind arguments for banning traders who repeatedly manipulate Commission-jurisdictional markets from those markets. If Congress enacts a proposal along those lines or otherwise augments FERC's anti-manipulation authority, then, if confirmed, I would enforce those laws.

- What are your views of the Energy Consumer Protection Act which would empower FERC to permanently ban entities that have been caught manipulating electricity or natural gas markets from trading in energy markets ever again.

Answer: Please see my previous answer.

Question 2: MANDATORY RELIABILITY STANDARDS FOR PIPELINES

FERC has already approved and enforced key mandatory reliability standards for the bulk electric system. Standards that work well and have been around for well over a decade now. But there are no comparable mandatory and comprehensive standards for the nearly three million miles of natural gas, oil, and hazardous liquid pipelines that cross the United States.

- Do you believe that the reliability of the bulk power system is interconnected with the reliability of the natural gas pipeline system?

Answer: Yes. Natural gas generation is an important part of the resource mix. Having a reliable supply of natural gas is critical to electric reliability.

- Are you concerned about the reliability of America's natural gas pipeline system due to a growing number of cybersecurity threats?

Answer: Yes. The security of our nation's critical infrastructure, including the natural gas pipeline system, should remain a top national priority. I understand that FERC works closely with the Transportation Security Administration, which oversees the natural gas pipeline system's cybersecurity, to help coordinate the Commission's efforts and provide support where appropriate.

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- Do you believe that the mandatory cybersecurity standards that FERC has been setting for the bulk power sector have increased the grid's resilience to cyberattack?

Answer: Yes.

- Are you concerned that future hydrogen pipelines also be vulnerable to cyberattack without mandatory reliability and cybersecurity standards?

Answer: As described in my answer above, the security of our nation's critical infrastructure, including any future hydrogen pipelines, is essential.

Question 3: BENEFITS OF HYDROPOWER RELICENSING REFORM

Hydropower not only makes up over 1/3 of the renewable energy generated in the United States, and supplies two-thirds of ALL the electricity used in Washington state. I understand that right now on average, relicensing a hydropower facility takes seven years and the paperwork costs \$3.5 million. Which does not include important costs of new turbines, fish passage, or dam safety investments. This is despite the reforms Senator Larry Craig and I worked on in 2004 and was included in the 2005 Energy Bill.

- Do each of you agree that we need to protect this critical source of renewable energy by streamlining and modernizing the hydropower permitting process?

Answer: Yes, I agree that hydropower is a critical part of our energy mix and support streamlining the permitting process consistent with the statutory analysis Congress tasked to FERC in this important area. If confirmed I look forward to working with my fellow Commissioners to better understand the factors bearing on this issue and to consider improvements to current procedures.

- Senator Daines and I have a bipartisan relicensing reform proposal – the Community Hydropower Improvement Act, will you commit to continue working with me and my staff to ensure that we get this bill right?

Answer: Yes, if confirmed I would welcome the opportunity to work with you and your staff on this issue.

Question 4: INCREASING GRID COMMUNICATIONS CAPABILITY IMPROVES GRID RELIABILITY.

One particular grid reliability opportunity I'd like to get your views on is installing fiber on top of transmission towers. More communication bandwidth can empower generators and grid operators with closer to real-time data and visibility they need to respond to extreme weather and cyberattacks. More bandwidth is also essential to integrating more distributed resources and the intermittent renewable power sources we need to make our energy system more diverse and affordable. And fiber not only provides a way to affordably transmit massive amounts of data, it can do so in so in a physically secure manner. And this kind of fiber networks can provide private, closed-loop, cyber secure communications networks that hackers can't get into. And

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could provide the backhaul, middle-mile capacity needed to bring affordable broadband to essentially every household or business that currently serviced by the grid.

- Do you agree that expanding communications capacity-- along the grid's existing rights-of-way-- could provide significant co-benefits for grid reliability, resiliency, and modernization?

Answer: Although I have not studied the issue in detail, I appreciate the benefits that expanding the use of fiber optic communications can provide—including improved communications for generating resources and other grid-connected devices, which could help the grid's reliability and resilience. If confirmed I would look closely at this issue as it arises in any appropriate proceedings before the Commission.

- Would a federal cost share, like what is proposed in the bipartisan GRID Broadband Act, allow utilities to accelerate grid fiber deployment?

Answer: Though I would expect increased cost sharing to generally create incentives to accelerate the deployment of fiber optic technology, I have not had the opportunity to review the specific cost share proposal in the GRID Broadband Act in detail.

- Should any new transmission lines approved by FERC be required to include this sort of communications capacity if it shown to improve reliability and be in the public interest?

Answer: As a general matter, I support efforts that improve reliability and are otherwise consistent with the Commission's statutory authority and mandates. FPA section 216 provides the criteria that the Commission shall consider in granting transmission line construction permits in certain national interest electric corridors, for instance, but it does not require any particular communications technology. Similarly, section 215 directs the Commission to establish reliability standards for the reliable operation of the bulk-power system. Pursuant to this statutory requirement, reliability standards generally specify the reliability outcome each responsible entity must achieve. Even so, section 215 does not require any particular technology, infrastructure, or method to achieve that outcome.

Question 5: NEED FOR MORE TRANSMISSION

Currently, a lack of transmission capacity has caused lengthy interconnection queues, stalling billions in urgently needed new generation. This has resulted in increased electricity costs for consumers. It has meant too many missed rural economic development and job creation opportunities in the communities that need them most. A recent study found that U.S. consumers paid an estimated \$13.4 billion in 2021 because of some power lines were too congested to deliver the lowest cost electricity available.

- Do you agree that building out our nation's transmission capacity is needed to transition to a more diverse and affordable electricity supply?

Answer: I agree that sound investment in additional transmission capacity has the potential to both improve reliability and provide lower electricity costs to consumers. I share the Commission's commitment to ensuring that the transmission system operates in an economically

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efficient way. And I believe that although the Commission does not set retail rates, it should be mindful of the consequences that its decisions have on the costs Americans pay.

- What do each of you think FERC needs to be doing to encourage or require utilities and other companies to build out the grid?

Answer: The Commission recently issued the Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection NOPR in Docket No. RM21-17-000, in which it is considering reforms to its transmission planning and cost allocation processes. If confirmed, I will work with my colleagues to consider the pending NOPR in light of the full record that develops in that proceeding and consistent with the Commission's statutory powers and responsibilities in this area.

- One of the biggest impediments to transmission development is cost allocation – ensuring that those that benefit from transmission are assigned their fair share (but no more) of the costs. Do you think FERC has sufficient authority to properly allocate costs or do you think Congress needs to act to clarify the Commission's authority?

Answer: The Commission's statutory authority requires that transmission cost allocation, and the resulting transmission rates for consumers, be just and reasonable and not unduly discriminatory or preferential. At this time, I think the Commission's existing authority under that general requirement is sufficient to ensure that transmission facility costs are properly allocated to those that benefit from those facilities. Of course, if Congress sees fit to modify that authority, I would follow those changes.

- In the Northwest, BPA owns 75% of the high voltage transmission. I have been able to get BPA additional borrowing authority to invest in transmission. How can FERC help BPA plan for needed transmission in the region?

Answer: I understand that opportunities exist under the Commission's limited authority over BPA to support voluntary, collaborative transmission planning efforts between BPA and Commission-jurisdictional public utilities. If confirmed, I commit to exploring with my colleagues opportunities consistent with that authority that may assist BPA's transmission planning efforts.

Question 6: ENERGY EFFICIENCY QUALIFYING AS A WHOLESALE MARKET RESOURCE

FERC has historically supported energy efficiency participating as a resource in the FERC jurisdictional wholesale markets. Currently, energy efficiency resources are allowed to sell into three Regional Transmission capacity markets. This allows energy efficiency to participate on an equal footing with electric generating facilities. In addition, FERC Order No. 2222 allows aggregators to sell bundled energy efficiency into Regional Transmission markets.

- Do you think that energy efficiency has an important role to play in FERC jurisdictional wholesale markets? If so, please elaborate.

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Answer: The Commission has taken steps over the past two decades to allow various types of resources, including energy efficiency, to participate in Commission-jurisdictional markets where those resources are technically capable of providing needed services. I believe that competition among various types of resources can provide real benefits to consumers.

Question 7: WILDFIRES AND LOW-SAG ADVANCED TRANSMISSION LINES

As we enter the summer months, we are increasingly concerned about wildfires are huge and growing in my state. One ignition source for wildfires are old powerlines that sag and come in contact with trees and vegetation. There are technologies, such as low-sag advanced conductors, that could help. I understand that these transmission lines are utilized widely around the world and can move two times the amount of power at the same voltage while not experiencing the same sagging under heavy use that is experienced by steel core transmission lines.

- What do you think the Commission do to facilitate the wider use of this low-sag transmission technology that has the potential to increase line capacity by getting more out of the existing grid while minimize wildfire risk?

Answer: The Commission's general ability to facilitate new technology comes from its authority to ensure just and reasonable rates that are not unduly discriminatory or preferential. I understand the urgency of mitigating wildfire risk and if confirmed will work with my colleagues consistent with FERC's role in these important matters. I also understand that the Commission has recently taken two actions related to alternative transmission technologies. The first is Order No. 2023, in which the Commission required utilities to evaluate the use of an alternative transmission technology solution, such as advanced conductors, to address reliability needs caused by the addition of new generation. The second is the Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection NOPR in Docket No. RM21-17-000, in which the Commission proposed a requirement for transmission planners to consider the use of alternative transmission technologies, including advanced conductors, in transmission planning processes. I would review these and related issues closely if confirmed.

- What role generally do you think FERC can play in reducing the risk of wildfires that have been linked to the electricity grid.

Answer: Under FPA section 215, the Commission's authority over reliability of the bulk-power system involves the reliable operation of the interconnected electric transmission system. If a transmission line ignited a wildfire, two national reliability standards (vegetation management and transmission line ratings) and one regional standard in the West (transmission line maintenance), may be relevant, depending on the specific facts of the situation. I think it would be prudent for the Commission to continue working with NERC and its Regional Entities to enhance their compliance monitoring of these standards for utilities in areas of the country that face the greatest wildfire risk.

- What role generally do you think FERC can play in preventing planned or unplanned blackouts associated with wildfires?

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Answer: The Commission's role with respect to planned or unplanned customer outages due to wildfires is limited, as this is primarily a state issue. If confirmed, however, I commit to working with my colleagues on efforts to minimize the impact of wildfires on the grid.

Questions from Senator Mike Lee

Question 1: Recent winter weather events have highlighted the ongoing importance of natural gas for heating and power generation. For example, a 2023 report from FERC demonstrated just how close thousands of New Yorkers came to being trapped in their homes without heat during Winter Storm Elliott.¹ Had the record cold snap continued, the human harm caused by gas shortages would have been catastrophic.

Increased deployment of renewables and retirement of coal assets have made the grid more reliant than ever on gas as a dispatchable source of baseload power. According to the FERC report, Winter Storm Elliott is just one of several instances over the last decade in which unplanned cold-weather generation outages jeopardized reliability. Clearly, these events illustrate the fact that gas pipeline capacity is needed in the foreseeable future to maintain a resilient system and mitigate outages that threaten human life.

According to the Energy Information Administration, "the least U.S. interstate natural gas pipeline capacity on record was added in 2022" with FERC certifying "only five projects that increased capacity to transport natural gas," most of which were "minor expansions to upgrade compressor stations" with "only one project adding a relatively small amount of new pipe."²

A) Do you believe it is fiscally responsible for utilities and states to invest in natural gas pipelines?

Answer: Although investment decisions are for jurisdictional utilities to make and regulators to review, yes, I believe that investment in natural gas pipelines is needed generally and that specific investments are often fiscally responsible. I would act efficiently and consistent with the Natural Gas Act's mandates on any project applications that come before me if confirmed.

B) Do you believe that more gas pipeline capacity is needed in the foreseeable future?

Answer: Yes.

C) How would you characterize FERC's role in granting natural gas pipeline certificates?

Answer: Congress has charged the Commission with certifying interstate natural gas pipelines that are required by the public convenience and necessity.

¹ <https://www.ferc.gov/media/winter-storm-elliott-report-inquiry-bulk-power-system-operations-during-december-2022>

² <https://www.eia.gov/todayinenergy/detail.php?id=55699#>

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D) What should FERC be doing, or not be doing, to bring more certainty to gas pipeline developers assessing financial risk?

Answer: The Commission should act on matters before it in a predictable and efficient manner consistent with the NGA and its purposes.

E) Please describe the importance of precedent agreements for developers assessing financial risk for pipeline projects.

Answer: As the Commission has held, precedent agreements, especially between non-affiliated entities, are significant evidence of project need.

F) FERC is authorized under the Natural Gas Act to certify interstate gas pipelines when certifying the pipeline is in the public interest. How do you plan to ensure that the public interest determination process does not become politicized?

Answer: The Commission is an independent regulatory agency that is bound to make its decisions based on a careful and impartial review of the record in each proceeding consistent with relevant statutory authority and precedent. If confirmed, I commit to applying those principles to each matter that comes before me.

Question 2: Yes or no, should climate change factor into FERC’s public interest determinations?

Answer: Public interest determinations are first economic, need-based decisions given FERC’s express mandate under the NGA. The extent to which climate change-related environmental considerations are an appropriate factor in the Commission’s statutorily required review under NEPA depends on the record in a particular proceeding.

Question 3: Do you believe that FERC should terminate the now-draft Natural Gas Pipeline (PL18-1) and Interim GHG (PL21-3) Policy Statements?

Answer: Without prejudging this question that may come before me if confirmed, I have significant reservations about approaches that prioritize extra-statutory factors above those Congress expressly tasked FERC to consider. If confirmed, I commit to carefully reviewing the record in those proceedings in deciding any next steps.

Question 4: Do you believe that FERC should reject the “eyeball” test established in *Northern Natural Gas Company* (CP20-503)?³

Answer: Without prejudging any matter raising this issue that may come before me if confirmed, I understand that the Commission generally has not relied on *Northern Natural Gas*

³ 174 FERC ¶ 61,189 (2021)

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Company in subsequent cases. And as a general rule, I believe that transparent reasoning and criteria are important to reasoned agency decisionmaking.

Question 5: Please describe your understanding of the principles of *Illinois Commerce Commission v. FERC*.⁴ Do you believe that ratepayers should only pay rates that are roughly commensurate with the benefits received from transmission projects? Do you believe that it is appropriate for FERC to compel the construction of vast amounts of new electric transmission and, in turn, broaden the population of ratepayers that will bear the costs of transmission development?

Answer: *Illinois Commerce Commission v. FERC* is one of the federal appellate cases reviewing Commission orders allocating the cost of interstate transmission facilities in light of the FPA's requirement that Commission-jurisdictional rates must be just and reasonable and not unduly discriminatory or preferential. There, the Seventh Circuit held that under the statutory requirement, the costs of new transmission facilities must be allocated in a manner that is at least roughly commensurate with those facilities' estimated benefits. Consistent with the Commission's statutory mandate and court precedent applying the cost causation principle, I believe that ratepayers should pay the costs of transmission facilities only to the extent that those costs are matched to the burdens imposed and benefits that those ratepayers receive from those facilities.

Question 6: How do you view FERC's responsibilities considering the Major Questions Doctrine and the Supreme Court's decision in *West Virginia v. EPA*?

Answer: I view the Commissioners' role as applying the facts in a particular matter impartially based on the best reading of the statutes Congress enacted to govern FERC's authority. If confirmed, I would follow the Supreme Court's precedent in *West Virginia v. EPA* and similar cases when applying the NGA, FPA, or any other statute bearing on FERC's authority. I would look for a clear statement before reading the relevant statute to confer authority over issues that the law treats as a major question—particularly those involving novel statutory constructions that would expand the agency's regulatory scope far outside its traditionally understood role. I also appreciate that many areas of FERC's jurisdiction are long settled in the law.

Question 7: Please describe your understanding of FERC's role in ensuring reliable electric supply.

Answer: FERC has authority under section 215 of the FPA to oversee the development and enforcement of mandatory reliability standards for the bulk-power system. Section 215 also specifically excludes resource adequacy from the Commission's reliability authority, which means that decisions around the make-up of an electric supply portfolio belong to the States.

Question 8: Please describe your understanding of FERC's role in ensuring affordable electric supply.

⁴ 576 F.3d 470

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Answer: Under the FPA, FERC is responsible for ensuring that rates for the wholesale sale and transmission of electricity in interstate commerce are just and reasonable. Through these responsibilities, FERC plays an important role in ensuring that electric supply is affordable for Americans.

Question 9: Has Congress authorized FERC under the FPA or Natural Gas Act to aid or hasten a transition to lower-GHG resources?

Answer: No.

Question 10: When it comes to approving reliability must-run contracts for GHG-emitting resources, will you commit to prioritizing grid reliability over GHG reductions?

Answer: It is my understanding that when a reliability-must-run contract is filed at the Commission for review, a system operator has made the judgment that the resource is needed to maintain reliability on the system it oversees. Reliability determinations like that are central to FERC's mission. As to FERC's specific role in reviewing reliability-must-run contracts, I would follow the requirements the statute sets and act to ensure that rates are just and reasonable and not unduly discriminatory or preferential.

Question 11: When FERC issued Order No. 2000 and authorized public utilities to begin forming Regional Transmission Organizations, it said, "The Commission's goal is to promote efficiency in wholesale electricity markets and to ensure that electricity consumers pay the lowest price possible for reliable service."

If confirmed, will you commit to investigating the question of whether the wholesale restructuring driven by FERC since Order No. 2000 has ensured that "electricity consumers pay the lowest price possible for reliable service"?

Answer: I recognize the importance of ensuring that FERC policies, including those involving electric markets operated by regional transmission organizations approved under Order No. 2000, produce rates that are consistent with FERC's statutory requirements. Particularly given the complicated and integrated nature of RTOs, I also appreciate the need for monitoring. If confirmed, I commit to working with my colleagues to address these important issues.

Question 12: In your view, how do RTOs and ISOs compare to traditionally regulated regions in terms of electric reliability? What data leads you to that conclusion?

Answer: I have not rigorously compared electric reliability outcomes in RTOs and ISOs versus traditionally regulated regions. If confirmed and as market design proposals come before the Commission, I commit to evaluating the benefits of both RTOs and ISOs and traditionally regulated regions when it comes to delivering on their mission of providing affordable and reliable electricity.

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Question 13: In your view, how do RTOs and ISOs compare to traditionally regulated regions in terms of electric affordability? What data leads you to that conclusion?

Answer: Similar to my previous answer, I have not rigorously compared electric affordability outcomes in RTOs and ISOs versus traditionally regulated regions. Here, too, I commit to working with my colleagues on this issue.

Question 14: In an RTO or ISO, who is ultimately responsible for reliability and resource adequacy?

Answer: RTOs and ISOs must comply with applicable mandatory reliability standards. My understanding is that no reliability standards pertain to resource adequacy as FPA section 215 expressly reserves that topic for state regulation. Instead, in collaboration with the States, RTOs and ISOs have different approaches to resource adequacy to ensure sufficient generation to meet consumers' needs.

Question 15: Under what circumstances do you believe it is appropriate for FERC to initiate a "*sua sponte*" (on its own accord) FPA section 206 investigation into RTO market failures?

Answer: Pursuant to the Commission's statutory mandate that allows *sua sponte* action in this context, the Commission may initiate an FPA section 206 investigation if the Commission finds that the rate, or any rule, regulation, practice, or contract affecting such rate, charged by any public utility, including an RTO, appears to have become unjust, unreasonable, or unduly discriminatory or preferential.

Question 16: FERC has long respected regional differences and left joining a Regional Transmission Organization (RTO) to the voluntary decision of state regulators and utilities. Will you pledge to never require any state or utility to join a regional market against its will?

Answer: Participating in an RTO is a voluntary decision for utilities and their state regulators. I support and will follow that legal principle.

Question 17: Subsidies for wind and solar have led to distorted price signals in RTOs, with prices even going negative in some places. Do distorted price signals lead to distorted resource allocation? How does this distortion impact reliability?

Answer: The resource mix across the United States is changing and is likely to continue to do so—these changes are affecting RTOs' markets in multiple ways. Distorted price signals can lead to distorted resource allocation. And when market signals fail in their role in promoting orderly investment decisions, reliability can suffer. I understand that in 2021, FERC initiated a proceeding (Docket No. AD21-10-000) to examine the extent to which RTO markets may need to change to match changing patterns of consumption and the changing resource mix. In addition, in April 2022, the Commission directed jurisdictional RTOs to report on how their system needs will change over the next five and ten years and what reforms, if any, would be

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needed to ensure that the RTO markets continue to provide reliable electricity at just and reasonable rates. If confirmed, I commit to work with my colleagues on these important issues.

Question 18: Do you believe FERC has any responsibility to show that the policy actions it undertakes “*sua sponte*” under Section 206 of the FPA achieve the anticipated results?

Answer: Congress entrusted FERC, under FPA section 206, to ensure that the rates, terms, and conditions of sales for resale of electric energy and transmission service in interstate commerce by public utilities are just, reasonable, and not unduly discriminatory or preferential. When undertaking policy actions pursuant to section 206, FERC must make sure its actions are consistent with that standard.

Question 19: The EPA has proposed policies that would dramatically impact the reliability of the grid. Do you believe FERC should play a larger role in the regulatory process for regulatory actions taken by other federal agencies that may threaten grid reliability?

Answer: I believe that the Commission has an important voice when actions other federal agencies propose could impact electric reliability. And my work in my current position as a state attorney has underscored the challenges when actions in one agency’s jurisdiction reach into areas central to another agency’s authority—in particular the intersection between environmental regulation and reliability for the power sector. At a minimum, the Commission should continue to participate to the fullest extent in interagency reviews to provide its expertise when actions other agencies propose could harm electric reliability.

Question 20: How do you view the current and future role of hydroelectric power in the U.S. electricity mix?

Answer: I believe that an “all-of-the-above” approach that includes hydroelectric power is important to help ensure that Americans have access to reliable electricity at just and reasonable rates. I also support the Commission’s long-standing commitment to resource neutrality.

Question 21: How do you view the current and future role of coal power in the U.S. electricity mix?

Answer: I believe that an “all-of-the-above” approach that includes coal resources is important to help ensure that Americans have access to reliable electricity at just and reasonable rates. I also support the Commission’s long-standing commitment to resource neutrality.

Question 22: How do you view the current and future role of nuclear power in the U.S. electricity mix?

Answer: I believe that an “all-of-the-above” approach that includes nuclear resources is important to help ensure that Americans have access to reliable electricity at just and reasonable rates. I also support the Commission’s long-standing commitment to resource neutrality.

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Question 23: Under Section 203(a)(2) of the Federal Power Act, holding companies, including investment companies, that acquire securities of a public utility in an amount of \$10 million or greater must first secure authorization from FERC. The Commission has allowed for some “blanket authorizations,” where acquisitions are authorized without a case-specific order. Blanket authorizations are subject to certain requirements, including in certain circumstances a requirement that a holding company act as a “passive investor” that does not attempt to influence utility company operations.

Should FERC disqualify investors from Section 203 blanket authorizations who have demonstrated significant activism or attempted to influence the day-to-day commercial conduct of a utility company, including (but not limited to):

- a) Entering into agreements with other parties, including ESG asset manager groups, to attempt to force changes in company behavior?
- b) Participating in “engagements” with the company in which the investor (or parties coordinating with the investor) demands that the company change its behavior?
- c) Using its shares to vote against directors who have not complied with the investor’s expressed wishes or expectations?

Answer: In December 2023, the Commission sought views on whether and how to revise its policy on blanket authorizations for investment companies. Because the Commission is likely to consider this issue in the future, I cannot prejudge the matter. But I take concerns about investor control very seriously, including potential complications from the scenarios you describe. If I am confirmed, I intend to carefully consider all comments before making a decision.

Question 24: Please assess or describe the effectiveness of FERC Order 1000. In general, do added layers of federal intervention in state processes complicate or slow these processes? Should FERC have additional authority to mandate transmission projects over state objections?

Answer: I have not yet rigorously assessed Order No. 1000’s effectiveness; I will do so if confirmed. I am in favor of open and transparent regional transmission planning processes and enabling all parties to understand how and why transmission providers identify and evaluate new regional transmission facilities. I am also aware that, in Docket No. RM21-17-000, the Commission has issued the Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection NOPR, in which the Commission is considering whether to reform its regional transmission planning and cost allocation requirements.

Regarding the interaction between federal and state processes, I believe the Commission must continue to respect the limits of its authorizing statutes and court precedent. This disciplined approach promotes regulatory efficiency and respects the States’ distinct roles and perspectives in these important issues. I also believe that the Commission should communicate, as appropriate, with its state counterparts to work together in an efficient and productive manner.

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Questions from Senator Bernard Sanders

Question 1: Courts have determined that FERC must consider climate and other environmental impacts of gas projects. In the *Sierra Club v Federal Energy Regulatory Commission* court case in 2017, the D.C. Circuit concluded that the National Environmental Policy Act obligates FERC to consider reasonably foreseeable indirect effects, including greenhouse gas emissions, from production and use of gas transported by pipelines. Following the Sabal Trail case, courts have repeatedly affirmed that FERC must consider a pipeline's impact on climate change in its review of new natural gas infrastructure, like in the 2022 *Food and Water Watch v. Federal Energy Regulatory Commission* court case.

- a. Do you agree that greenhouse gas emissions are a relevant public interest factor, and that FERC should consider and report on greenhouse gas emissions as part of the permitting process?

Answer: The Commission analyzes greenhouse gas emissions as part of its National Environmental Policy Act review. I agree that the Commission should consider them to the extent required by statute and case law.

- b. Do you agree that climate change is a relevant public interest factor, and that FERC should consider and report on climate change impacts as part of the permitting process?

Answer: I agree that climate change is an important policy issue and, if confirmed, I will work with my colleagues to review Commission policy in this area.

Question 2: If confirmed, would you ever deny an application, or dissent on an application, based on the greenhouse gas emissions of a proposed project?

Answer: If confirmed, I will carefully and impartially consider the record in cases before the Commission and apply all appropriate statutory factors, but I cannot opine on what decisions I might reach based on the facts and circumstances of those cases.

Question 3: Environmental justice communities overwhelmingly bear the brunt of negative impacts from siting decisions related to fossil fuel infrastructure, including disproportionate and persistent public health risks and decreased quality of life. Despite these negative impacts, FERC has never denied a fossil fuel project permit on the grounds of disproportionate negative impacts to environmental justice communities.

- a. If confirmed, how will you weigh harms to communities living at the site of natural gas export terminals and natural gas extraction sites as a public interest factor?

Answer: The public convenience and necessity standard involves all subjects bearing on the public interest, which includes a project's consequences for affected communities. If confirmed, I will consider carefully all factors in the record in matters before me and work with my fellow Commissioners on their appropriate weight given that evidence and the statutory framework.

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- b. If confirmed, would you ever deny an application, or dissent on an application, based on the negative impacts of a proposed project on environmental justice communities?

Answer: As noted above, I will carefully consider all the impacts of proposed projects. I cannot, however, predict how I might vote in any given case.

Question 4: The failure of frozen fossil fuel infrastructure was the primary reason for massive electric power outages during Winter Storm Elliot in late 2022 and Winter Storm Uri during early 2021. For example, the FERC-NERC report on Winter Storm Elliot found that natural gas plants accounted for over 63% of outages and derates and coal/lignite accounted for 23% across the event area; for Winter Storm Uri, those event-wide outages were 55% and 18% respectively. Storm-related outages have led to catastrophic loss of life and billions of dollars in economic damages.

- a. In your view, did fossil fuels provide more or less reliable energy than renewable sources of power like wind and solar during these recent winter storm events?

Answer: I understand that generator failures in Winter Storms Uri and Elliott were across all fuel types. These were due to a variety of causes, mainly freezing, mechanical, or electrical issues related to the extreme cold weather including blade icing and, to a lesser extent, fuel issues.

- b. If confirmed, how will you factor these recent fossil fuel infrastructure failures into your consideration of energy infrastructure permitting decisions?

Answer: If confirmed, I will study this matter and decide each case on its own record.

Questions from Senator Steve Daines

Question 1: Ms. See, under the Natural Gas Act, does FERC have the authority to consider upstream and downstream greenhouse gas emissions of a natural gas pipeline when issuing a certificate of public convenience and necessity?

Answer: NEPA requires taking a “hard look” at only the reasonably foreseeable environmental effects of a proposed major agency action. If confirmed I would apply that legal standard to the specific record in proceedings before me.

Further, I appreciate and support the Commission’s practice in finding that upstream emissions related to production do not meet the reasonably foreseeable requirement, and I am not aware of any judicial holding that would require the Commission to change course. I also know that the Commission has found in certain instances that downstream emissions were not reasonably foreseeable, that the D.C. Circuit disagreed in its *Sabal Trail* decision, and that NEPA’s recent amendments and implementing regulations confirm this as an evolving and fact-specific area of the law. If confirmed I would look closely at the record in a specific case to determine if downstream emissions meet the legal requirements of reasonable foreseeability and proximate causation.

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Question 2: Ms. See, what role does FERC have in the regulation of greenhouse gas emissions?

Answer: Congress has not given the Commission a role in greenhouse gas regulation.

Question 3: Ms. See, can FERC deny a certificate of public convenience and necessity based on a project's upstream or downstream greenhouse gas emissions?

Answer: FERC must review and consider factors that meet the legal requirements of reasonable foreseeability and proximate causation in its certificate proceedings under the NGA. The Commission's ultimate decision, however—including what factors outweigh others in the analysis—must be consistent with law and precedent and supported by substantial evidence.

Question 4: Ms. See, how do you define “public convenience and necessity” as it is used in the Natural Gas Act?

Answer: I understand this standard as first an economic determination given FERC's express mandate under the NGA. I also recognize that all factors that bear on the public interest are relevant under binding case law.

Question 5: Ms. See, what factors should the Commission review when deciding if the operation, sale, service, construction, extension, or acquisition of a natural gas pipeline is a “public convenience and necessity”?

Answer: The Commission should examine all relevant factors, starting with the need for a project and economic issues, as well as other public interest factors and environmental impacts to the extent NEPA directs.

Question 6: Ms. See, does a customer's willingness to subscribe to long-term pipeline capacity demonstrate pipeline need?

Answer: As the Commission has explained, long-term precedent agreements or contracts, particularly between non-affiliated entities, are a significant indicator of a project's need.

Question 7: Ms. See, would you weigh a speculative economic study higher than real-life contracts when deciding if a project is economical?

Answer: The weight particular evidence should receive is a fact-based inquiry based on the record of each proceeding. As I noted in my previous answer, however, I view contracts as important evidence of project need.

Question 8: Ms. See, can FERC require companies to pay-for or mitigate upstream or downstream greenhouse gas emissions not directly connected to a natural gas pipeline project under the jurisdiction of FERC?

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Answer: Although I would study governing law carefully in any particular matter raising this question, I do not believe Congress has given FERC that statutory authority.

Question 9: Ms. See, how do you define “consistent with the public interest” as it is used in the Natural Gas Act?

Answer: I believe “consistent with the public interest” means that an action provides overall benefits to the public.

Question 10: Ms. See, what factors should the Commission review when deciding if an LNG terminal is “consistent with the public interest”?

Answer: The Commission should examine factors related to the siting, construction, and operation of the facility.

Question 11: Ms. See, where in the Natural Gas Act, or other statutes granting FERC regulatory powers, is FERC granted the power to regulate greenhouse gas emissions?

Answer: Congress has not delegated FERC power to regulate greenhouse gas emissions.

Question 12: Ms. See, do you believe that the premature or forced closure of existing coal and other fossil fuel generating plants, like the Colstrip Power Plant in Montana, will impact the reliability of the electrical grid, both regionally and as a whole, and the affordability for customers who depended on the energy produced at the prematurely closed locations?

Answer: Yes, the retirement of a generator before the end of its useful life often has significant consequences for both electric reliability and customer bills. And while the effects may be felt most deeply in the region, the consequences for reliability are often more widespread.

Question 13: Ms. See, do you believe that it is FERC’s responsibility to ensure that the grid remains reliable?

Answer: I believe grid reliability is one of the Commission’s most essential responsibilities. Section 215 of the FPA gives FERC authority over approval and enforcement of mandatory reliability standards. I also believe that the Commission’s ratemaking authority plays an important role in ensuring that consumers have access to adequate and affordable energy resources.

Question 14: Ms. See, as part of FERC’s mission to ensure that consumers have reliable energy services, do you believe that it is FERC’s role as an independent agency to inform other agencies of the impact of proposals that could affect the reliability of the grid and, when necessary, push back on agencies in order to minimize adverse impacts to the electrical grid?

Answer: Yes.

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Question 15: Ms. See, according to the Energy Information Agency “global energy consumption will increase nearly 50% over the next 30 years”. Do you agree that in order to maintain reliability, which is a factor FERC’s mission statement specifically mentions, the United States should maintain a balanced energy portfolio that includes baseload power like hydro, coal, gas and nuclear as well as intermittent resources like wind, solar, and other emerging technologies?

Answer: Congress has made ensuring reliability one of the Commission’s key priorities. Accomplishing this job requires taking into account all generating resource options available and necessary to maintain grid reliability. And while FERC’s role is to be fuel-neutral—I deeply respect the States’ central role in generation decisions—I personally view a balanced energy portfolio as sound policy.

Question 16: Ms. See, do you believe that international climate commitments should overrule an individual state’s decision to deploy or operate coal or natural gas power plants?

Answer: No. The FPA reserves to the States the authority to determine their generation mix.

Question 17: Ms. See, do you believe that one state should have the ability to block another state’s decision to deploy or operate coal or natural gas power plants?

Answer: The FPA reserves to the States the authority to regulate the generation mix within their borders. I respect that reservation of authority. The FPA tasks FERC with regulating the rates, terms, and conditions for the transmission of electric energy and wholesale sale of electric energy in interstate commerce.

Question 18: Ms. See, do you believe that coal and natural gas play an important role in the reliability of the electric grid?

Answer: Yes.

Question 19: Ms. See, nearly half of the non-federal hydropower fleet will need to be relicensed in the next decade, accounting for hundreds of projects and thousands of megawatts. As discussed during the hearing, I have introduced a bipartisan solution to speed up permitting, increase tribal voices, and protect fish habitat. Do you support the goals of my legislation and will you commit to working with me to get hydropower licensing reform signed into law?

Answer: Yes, I share those goals of your proposed legislation. If confirmed, I would be glad to provide any technical assistance I can.

Question 20: Ms. See, what actions do you think FERC could take today to speed up hydropower licensing and relicensing?

Answer: I do not have specific experience with the hydropower licensing process, so I am not yet in a position to make specific recommendations for improvements to the current process. My

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experience working with state agencies and stakeholders in other permitting contexts, however, has underscored how much efficiency and predictability matter. Generally, I believe that all regulatory processes should be timely, cost-efficient, and as straightforward as possible. If confirmed, I commit to acting on any proceeding in an efficient manner.

Question 21: Ms. See, do you agree that we should expand hydropower generation throughout the United States?

Answer: Yes.

Question 22: Ms. See, do you support breaching the Lower Snake River hydropower dams?

Answer: I understand this is not an issue that the Commission can address because the facilities in question are federal dams, over which the Commission lacks jurisdiction.

Question 23: Ms. See, do you believe the breaching of federal or non-federal hydropower dams could negatively affect grid reliability and energy prices?

Answer: I believe it could, and I would look closely at the facts in any specific case when considering this important matter.

Question 24: Ms. See, according to the Energy Information Agency from 2020-2023 the average price of electricity has increased from 13.15 cents per kilowatt-hour to 15.98 cents per kilowatt-hour. What do you see as a driving factor of this increase?

Answer: At the wholesale level, electric prices react to market fundamentals—supply and demand. I understand, for instance, that changes in natural gas prices between 2020 and 2023 played a significant role in changing the wholesale price of electricity over the same period. The overall increase in natural gas prices during those years contributed to the increase in the average price of wholesale electricity over the same period. FERC staff in its 2023 Annual State of the Market Report, however, also described a decrease in natural gas prices year-on-year from 2022 to 2023 that contributed to lower wholesale electricity prices in 2023 compared to 2022. Rising energy costs are a serious concern. When it comes to FERC's role, one goal of its authority to ensure just and reasonable rates that are not unduly discriminatory or preferential in the wholesale markets is to review pricing signals and to foster both reliable and affordable energy services.

Question 25: Ms. See, if confirmed what actions would you take to help curb or lower energy costs?

Answer: Consistent with the requirements of the Commission's enabling statutes, if I am confirmed I will evaluate proposals that come before the Commission to ensure that they are just and reasonable and not unduly discriminatory or preferential. In addition, I would take steps in an appropriate matter involving the Commission's FPA section 206 authority to establish just

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and reasonable replacement rates if the Commission finds that existing rates are unjust, unreasonable, or unduly discriminatory or preferential.

Question 26: Ms. See, in what circumstance would you deny a project that helped decrease energy costs and increase reliability?

Answer: I commit to evaluating each project on its specific record and consistent with the statutory criteria, so I cannot prejudge how I might vote on a particular matter. Generally, though, I view decreasing energy costs and increasing reliability as two key factors in the Commission's analysis.

Question 27: Ms. See, in your opinion what are the most important steps FERC should take to improve the reliability of our energy systems?

Answer: Maintaining the reliability of the bulk-power system is of paramount importance. If confirmed, I commit to working with my colleagues to understand and evaluate current risks to reliability and taking appropriate action within the Commission's jurisdiction.

Question 28: Ms. See, what statutory limitations exist that limit FERC from considering environmental justice when making regulatory decisions?

Answer: The Commission can only consider factors in its decisionmaking that are consistent with its authority under the FPA, NGA, and other governing laws.

Question 29: Ms. See, how do you plan to balance the rapid rate of baseload plant retirements across the country and the current push to transition to an electrified economy?

Answer: The Commission plays a critical role in ensuring reliable electric service. Nevertheless, its role does not include direct authority over the retirement choices of specific resources. If confirmed, I plan to work with my colleagues on these issues, including with respect to market rules that ensure that Commission-jurisdictional tariffs send price signals that facilitate orderly and appropriate resource entry and exit in light of the challenges these changes pose to reliability.

Question 30: Ms. See, if confirmed what will be your top three priorities on the commission?

Answer: 1/System reliability, particularly in a time of dynamic change in the energy markets on both the supply and demand sides. 2/Affordability, mindful of the consequences the Commission's authority over the interstate wholesale markets and infrastructure review has on the retail rates Americans pay. 3/Security, especially in the face of evolving physical and cyber threats.

Question 31: Ms. See, FERC's mission statement states "FERC's mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost." In this context how do you define "reliable"?

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Answer: As used in the Commission's mission statement, I believe “reliable” refers to providing electric power to consumers that is adequate, secure, and stable. Simply put, a reliable grid is one that can be counted on to meet the electric needs of consumers even when faced with certain system disturbances.

Question 32: Ms. See, FERC’s mission statement states “FERC’s mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost.” In this context how do you define “safe”?

Answer: I define safe as not posing significant risk to life, health, or safety. For example, the Commission has a robust dam safety program to inspect and, where necessary, impose remediation requirements on the licensees of jurisdictional dams.

Question 33: Ms. See, FERC’s mission statement states “FERC’s mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost.” In this context how do you define “secure”?

Answer: I read the reference to “secure” energy services in FERC’s mission statement to concern threats and vulnerabilities of physical energy infrastructure and cyber assets.

Question 34: Ms. See, FERC’s mission statement states “FERC’s mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost.” In this context how do you define “economically efficient”?

Answer: I consider “economically efficient energy services” in this context as services that are priced in ways that reflect the cost of providing the services.

Question 35: Ms. See, FERC’s mission statement states “FERC’s mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost.” In this context how do you define “at a reasonable cost”?

Answer: Please see my answer above to Question 34.

Question 36: Ms. See, FERC’s mission statement states “FERC’s mission is to assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost.” Are there factors outside of those listed that you would apply when deciding to approve or deny a project?

Answer: I would hew closely to the specific statutory criteria for each matter under review. As a summary, however, I believe these factors capture the Commission’s mandate.

Question 37: Ms. See, when weighing public comments on a proposed project, would you weigh local constituents’ comments whose lives, jobs, and communities are directly affected

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over those of out-of-state, international, or other constituents who are not directly affected by a project?

Answer: If confirmed, I would carefully weigh all comments in the record, understanding that the comments of those directly affected deserve significant weight.

Question 38: Ms. See, there are examples of current and former administration officials who do not reside in the city or immediate area of their duty station. This can make it difficult to both manage staff and importantly take meetings and hear feedback from stakeholders and constituents wishing to petition their government. If confirmed, would there be anything precluding you from residing within close proximity to FERC's offices in order to best fulfill your role on the Commission?

Answer: Though timing considerations may make an immediate move challenging, at this time I intend to relocate close to FERC's main office for the majority of my term if confirmed. I also have experience working effectively with remote staff, as well as stakeholders across the country in national litigation, and I would prioritize accessibility both in person and virtually.

Questions from Senator Catherine Cortez Masto

Question 1: The Fiscal Year (FY) 2025 Budget Request for the Federal Energy Regulatory Commission (FERC) continues to prioritize a strong and robust enforcement program. Specifically, one of FERC's objectives for FY25 is to strengthen its ability to detect and deter energy market manipulation. This builds on FERC's Seventeenth Annual Report on Enforcement, which determined that at least eleven of the nineteen manipulation cases opened during FY23 involved potential market manipulation.

Earlier this Congress, I co-introduced S.1410, the *Energy Consumer Protection Act*, in order to provide FERC with additional authority and tools to deter traders that repeatedly manipulate electricity and natural gas markets. During a Senate Committee on Energy and Natural Resources hearing on May 4, 2023, Chair Phillips, Commissioners Clements and Christie, and former Commissioner Danly all expressed their support for the purpose of S.1410.

If confirmed, how would you work to combat energy market manipulation? Are you supportive of S.1410? Why or why not?

Answer: If confirmed, I will fully and impartially evaluate the evidence presented to the Commission in each case of market manipulation against the legal requirements of the statute. If I determine a violation of the statute has occurred, I commit to using the Commission's authority to hold market participants accountable for their conduct. Although I have not yet had the opportunity to study S.1410 in detail, I appreciate the concerns behind arguments for banning traders who repeatedly manipulate Commission-jurisdictional markets from those markets. And if Congress enacts S.1410 or similar legislation, I would use that new statutory tool in all appropriate circumstances.

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Questions from Senator Cindy Hyde-Smith

Question 1: I believe it is critical to continue investing in our nation’s natural gas infrastructure to achieve America’s energy security, reliability, and affordability. With the continued push to further grow renewable energy reliance, what do you see as the role of natural gas as part of the U.S. energy portfolio in the short- and long-term? Will a growing reliance on renewable energy cause us to require additional natural gas infrastructure to provide flexible and dispatchable fuel and storage?

Answer: Natural gas has become a primary fuel for dispatchable resources and provides needed diversity in our energy mix. I believe it is thus an important part of our resource availability equation now—and will remain so into the foreseeable future. And yes, I believe additional natural gas infrastructure is needed in light of these realities.

Question 2: Ms. See, please provide us with a brief summary of the fundamental issues at stake in *West Virginia v. EPA*, which you successfully led on behalf of the state as Solicitor General, and what the Supreme Court held? If confirmed, how will the Major Questions doctrine and questions of agency deference inform your work as a Commissioner?

Answer: *West Virginia v. EPA* involved the scope of a federal agency’s delegated authority to decide issues of “such magnitude and consequence” that courts should assume Congress kept that decision for itself absent “clear” evidence to the contrary. The decision did not involve the merits of the agency’s particular policy choice, but rather the fundamental question whether Congress “in fact meant to confer the power the agency has asserted.” The Supreme Court explained that certain “extraordinary” cases with great “economic and political significance” call for “skepticism” before adopting a statutory construction that would allow the agency new and expansive authority. In those “major questions” contexts, an agency’s source of authority must be more than merely a “plausible” reading of the statute.

I view the Commissioners’ role as applying the facts in a particular matter impartially based on the best reading of the statutes Congress enacted to govern FERC’s authority. If confirmed, I would follow the Supreme Court’s precedent in *West Virginia v. EPA* and similar cases when applying the NGA, FPA, or any other statute bearing on FERC’s authority. I would look for a clear statement before reading the relevant statute to confer authority over issues that the law treats as a major question—particularly those involving novel statutory constructions that would expand the agency’s regulatory scope far outside its traditionally understood role. I also appreciate that many areas of FERC’s jurisdiction are long settled in the law.

With respect to agency deference, the degree of deference a reviewing court gives an agency’s decision does not change my view of a Commissioner’s responsibility in the first instance to apply the best reading of the law to the specific facts at issue. I would follow the law if reviewing courts disagree with the Commission’s determination.

Question 3: Ms. See, will you protect the prerogatives of FERC with regards to major questions, particularly when other agencies – such as the EPA – impinge upon the Commission’s

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mission and jurisdiction? Can you speak to how the EPA's "E-G-U Strategy" may undermine reliability and affordability? Does FERC have the authority and responsibility to weigh in on a regulatory policy such as the Clean Power Plan 2.0 that may affect its core mission?

Answer: Yes, if confirmed I will work to protect the Commission's prerogatives. Although one agency generally cannot interfere with another's actions, I believe that the Commission has the authority—and at times, the duty—to provide its views when another agency's proposed actions affect matters within the Commission's jurisdiction. In my current position as a state attorney I have considered various aspects of EPA's overlapping regulations governing EGUs. I understand many of the challenges when actions within one agency's jurisdiction can potentially undermine areas central to another agency's authority—and in particular the intersection between environmental regulation and reliability for the power sector. I appreciate the Commission's attention to certain aspects of this issue when it addressed reliability concerns from the EPA's proposed rule at its annual electric reliability conference last November.

Question 4: I am concerned that EPA's proposed Clean Power Plan 2.0 rule would result in the premature retirement of power plants and dispatchable generation adversely impacting reliability. In addition to the Annual Reliability Technical Conference held in November, 2023, what other actions should FERC take to protect reliability from EPA's policies?

Answer: Maintaining the reliability of the bulk-power system is FERC's most important responsibility. I believe that respect for the authority Congress gave another agency does not justify failing to exercise the authority Congress gave to FERC. So if confirmed, I commit to working with my colleagues to provide feedback on the potential reliability consequences of EPA's rules and to exercise FERC's statutory authorities, where necessary, to maintain the reliability of the bulk-power system.

Question 5: FERC has long and prudently respected regional differences and left joining a Regional Transmission Organization to the voluntary decision of state regulators and utilities. Do you agree on the importance of respecting regional differences and state jurisdictional authority and therefore do you pledge to not impose an RTO on regions, states, and utilities if they do not want one?

Answer: Participating in regional transmission organizations and independent system operators is a voluntary decision for utilities and their state regulators. I support and will follow that legal principle.

Question 6: As it relates to your oversight of the RTOs and ISOs, if confirmed, do you commit to exercising your jurisdictional mandate to ensure that rates are just and reasonable? Do you believe that the outsized problems in RTOs may be leading to unjust and unreasonable rates?

Answer: Yes, I commit to exercising FERC's statutory authority to ensure just and reasonable rates. Particularly given the complicated and integrated nature of RTOs, I also appreciate the need for carefully considering matters coming to the Commission from jurisdictional entities and parties participating in RTOs, and the impact of RTO tariffs.

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Questions from Senator Josh Hawley

Question 1: What do you believe are the greatest challenges facing FERC?

Answer: Significant and rapid changes in consumer demand and changing supply-side realities, together with respecting the States' policy priorities while accounting for effects on their neighbors, are presenting new and significant challenges for the Commission as it continues to meet its reliability and just-and-reasonable rate mandates.

Question 2: What do you believe are the greatest opportunities before FERC?

Answer: FERC's greatest opportunities will flow from its careful discharge of the authority Congress has given it in the FPA, the NGA, and the other statutes governing its responsibilities. The Commission must decide the matters before it on the record in those matters. In doing so, the Commission must grapple with changing realities in the energy markets in line with its longstanding authorities. If confirmed, I look forward to the opportunity to help the Commission continue to fulfill its important mission under these principles, mindful of input from the people and entities the Commission's decisions will affect in concrete ways.

Question 3: If confirmed, what will be your top three priorities in office?

Answer: 1/System reliability, particularly in a time of dynamic change in the energy markets on both the supply and demand sides. 2/Affordability, mindful of the consequences the Commission's authority over the interstate wholesale markets and infrastructure review has on the retail rates Americans pay. 3/Security, especially in the face of evolving physical and cyber threats.

Question 4: If you are called to testify before this committee in a year's time, by what objective metrics should the committee evaluate your performance?

Answer: As Congress sets the scope of the Commission's authority, I respect Congress's important oversight role. If confirmed, the committee should assess my work based on how diligently my actions carry out the statutory duties Congress set and how closely my decisions adhere to the governing statutory criteria.

Question 5: If confirmed, what concrete steps do you plan to take to ease the regulatory burden on small businesses?

Answer: As a nominee I am not yet in a position to propose specific improvements to Commission processes that could help limit the regulatory burden for small businesses. But this issue matters to me—my time as a state lawyer has shown many times over how cumulative regulations and overly burdensome requirements can crush businesses vital to a State's economic growth. As a general matter, I would prioritize predictability and efficiency for regulated parties and the people affected by their conduct. I would work with my colleagues to find ways to

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streamline processes wherever appropriate and when governing law allows while being sensitive to the rights of individuals who may not be specifically represented in FERC proceedings.

Question 6: Which predecessor(s) in the position to which you have been nominated do you most admire, and why?

Answer: As the immediate predecessor to the specific position I have been nominated to fill, I respect Commissioner Danly's commitment to legal precision when assessing the Commission's mission. I have also been deeply impressed with my potential future colleagues' wealth of experience and the enthusiastic commitment they bring to the Commission's work, especially in my conversations with Chairman Philips and Commissioner Christie.

Question 7: What episodes in American history best inform your understanding of the agency's mission?

Answer: As I discussed at my confirmation hearing, the 2003 blackout in northeastern America and southern Canada left me with no doubt that energy reliability is a practical need, not an abstract ideal. Ensuring that power comes on when Americans need it and at rates they can afford is the center of FERC's mission. More than that, Congress's response after the blackout to assess what went wrong and enact legislation to address it informs my view of proper agency delegation: FERC's authority comes only from Congress's decisions on behalf of the American people, and the Commission has a duty to do no more and no less than to carry out those directives.

Question 8: Since you were first contacted about being considered for this nomination, have you deleted, attempted to delete, or made private any content on your social media? If so, please produce copies of all originals.

Answer: No.

Question 9: What do you believe is the proper role of cost-benefit analysis in agency regulation?

Answer: The Commission has broad discretion to evaluate costs as well as non-cost factors, such as economic principles and other considerations raised in comments, in determining whether proposed rates and related tariff revisions are just and reasonable. I also understand that, in general, the Commission's authorizing statutes do not require utilities or natural gas pipelines to provide cost-benefit analyses to support their filings. As a general principle, I believe that the benefits of an agency regulation should outweigh the costs it imposes.

Question 10: In your view, what are the three greatest areas of waste, fraud, and abuse at the agency to which you have been nominated?

Answer: From my position as a nominee I do not have a view at this time on any areas of waste, fraud, and abuse that may be present at the Commission. Nevertheless, I believe it is the Chairman's and Commissioners' responsibility (as well as, to an extent consistent with his or her

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scope of authority, each person in government service) to prevent and, if possible, cure incidents of waste, fraud and abuse. If confirmed, I would take this responsibility seriously.

Question 11: In your view, what are three areas of bureaucratic red tape that should be eliminated at the agency to which you have been nominated?

Answer: From my position as a nominee I do not have a view at this time on any areas of bureaucratic red tape that should be eliminated at the Commission. If confirmed, I commit to working with my colleagues to ensure that the Commission avoids delays in processing matters before it.

Question 12: Do you or your spouse hold any individual shares in companies regulated by FERC?

Answer: No.

Question 13: Have you ever explicitly considered race when making hiring decisions? If so, please describe the circumstances.

Answer: No.

Question 14: If confirmed, what concrete steps do you plan to take to partner with State and local governments to fulfill the agency's mission?

Answer: My time as a state lawyer working not only on behalf of my State but with many multistate coalitions has given me great respect for States' needs and their unique insight into how federal policies will affect their residents and businesses. If confirmed, I commit to carefully considering any views that state and local governments express in Commission proceedings, as appropriate and consistent with the FPA, the NGA, the Administrative Procedure Act, and other relevant laws and regulations. I would also look for opportunities with my colleagues to share information and perspectives with our state counterparts.

Question 15: If confirmed, what concrete steps do you plan to take to address concerns of residents in Missouri?

Answer: If confirmed, I would carefully consider the views and opinions filed in the record of the Commission's proceedings by residents of Missouri as well as their elected representatives and other state officials.

Question 16: Have you or any member of your family ever had any commercial relationship with the Chinese Community Party or a China-based business entity?

Answer: No.

Question 17: Do you have any experience working with artificial intelligence?

U.S. Senate Committee on Energy and Natural Resources
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Questions for the Record Submitted to Ms. Lindsay S. See

Answer: In my career as a practicing litigator I do not have direct experience working with artificial intelligence. I recognize the promise and threat that AI can represent, and if confirmed look forward to working with my fellow Commissioners to continue studying this important issue.

Question 18: Do you have any experience with cybersecurity?

Answer: In my career as a practicing litigator I do not have direct experience with cybersecurity. I recognize the critical nature of cybersecurity and the evolving risks facing the grids. If confirmed I look forward to working with my fellow Commissioners to continue studying this important issue.

Question 19: Why do you believe that the regulatory state is sufficiently larger today than it was 70 years ago? If so, why do you believe that is?

Answer: The size and scope of the regulatory state depends on choices Congress makes in terms of designing agencies and the subject areas they represent, as well as the level of discretion Congress delegates to them. I respect Congress's role on behalf of the American people to set the parameters of agency authority to meet the country's complex and changing needs.

Question 20: If confirmed, what steps would you take to guard against regulatory capture?

Answer: If confirmed, I commit to approaching every matter with an independent perspective that reflects my understanding of the law and the record before the Commission in that particular proceeding. An important part of that commitment includes giving fair attention to the perspectives of all people and entities that submit their views to the agency. Independent, fact-based decisionmaking informed by all the facts possible is, in my view, the best way to prevent any potential regulatory capture.

Question 21: What areas of the agency's mission do you believe are most in need of further study?

Answer: Significant changes are underway in the energy sector. Shifting demand needs and trends, changing composition and infrastructure challenges on the supply side, evolving physical and cybersecurity threats, and distinct state priorities and needs all call for study to see how FERC's statutory authority can be prudently applied to meet these changing realities.

Question 22: What in your record speaks to your ability to work in a bipartisan manner?

Answer: My work in my current role as West Virginia's Solicitor General involves leading and participating in multistate litigation groups. Some of those efforts include partnering with offices whose attorneys general belong to a different party than West Virginia's. Understanding the needs and interests of all States in these coalitions is critical to the efforts' success. More generally, I value the collegial and respectful relationships I've built in this role with colleagues

U.S. Senate Committee on Energy and Natural Resources
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Questions for the Record Submitted to Ms. Lindsay S. See

on all sides of the office's cases, including opposing counsel and the people and entities they represent.

Question 23: If confirmed, what concrete steps would you take to promote the hiring and retention of agency employees outside of the Washington D.C. area, including in regional offices in States like Missouri or through telework?

Answer: FERC's mission requires FERC staff to be subject matter experts in varied and specialized disciplines. I believe it is important for FERC to attract and retain employees beyond the Washington D.C. area. Consistent with the role of a Commissioner, I would encourage steps to broaden the pool of applicants from which FERC recruits. I understand that FERC uses social media and recruitment fairs to attract remote employees outside the Washington D.C. area for both headquarters positions and positions within the FERC regional offices. I would look for opportunities to assist the Commission to strengthen these efforts. If confirmed, I would work with the Chairman to ensure that FERC maintains its high level of FERC staff expertise, whether those employees are in the Washington, D.C. area or in other regions. I have experience managing hybrid in-person and remote teams, and appreciate the strength of experience broad recruitment strategies can bring.

Question 24: In your opinion, what statutory authorities do you believe are currently underutilized by the agency?

Answer: I do not have a view at this time as to what statutory authorities are underutilized by the Commission. If confirmed, I commit to appropriately using all of the Commission's statutory authorities.

Question 25: What is the applicable legal standard for reversing a prior agency policy?

Answer: Under the Supreme Court's decision in *FCC v. Fox Television Stations, Inc.*, an agency may reverse a prior agency policy provided it shows that the new policy is permissible under the statute, that there are good reasons for it, and that the agency believes the new policy to be better.

Questions from Senator Angus S. King

Question 1: Do you believe that transmission providers should be required to evaluate dynamic line ratings as part of interconnection request studies?

Answer: I believe that dynamic line ratings are a potentially cost-effective tool to increase capacity on transmission lines. If confirmed, I would review with my colleagues whether and, if so how, dynamic line ratings should be considered in operating the transmission system and in planning for new transmission facilities. My understanding is that the Commission determined as part of Order 2023 not to require transmission providers to evaluate dynamic line ratings in interconnection studies. I also understand, however, that the Commission is considering dynamic line ratings in a Notice of Inquiry proceeding (Docket No. AD22-5-000).

U.S. Senate Committee on Energy and Natural Resources
March 21, 2024 Hearing: *The Chang, Rosner, See Nominations*
Questions for the Record Submitted to Ms. Lindsay S. See

Question 2: Do you believe that transmission providers should be required to evaluate dynamic line ratings as part of reliability policy and economic transmission planning processes?

Answer: I understand that the Commission proposed to require transmission providers to more fully consider dynamic line ratings in regional transmission planning as part of its Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection NOPR (Docket No. RM21-17-000). If confirmed, I would work with my colleagues to evaluate this question.

Question 3: Do you believe it is appropriate for aggregated energy efficiency projects to be included in capacity markets?

Answer: It is my understanding that multiple RTO/ISOs allow energy efficiency resources to participate in the capacity markets that they operate, subject to measurement and verification criteria. If I am confirmed as a Commissioner, I would work with my colleagues to review this matter.

Question 4: Do you believe that transmission providers should be required to evaluate energy storage serving as a transmission asset as part of interconnection request studies?

Answer: My understanding is that the Commission, in Order No. 2023, did not require that transmission providers evaluate storage as a transmission asset in their interconnection studies. Nevertheless, I also understand that transmission providers may choose to consider storage that performs a transmission function in their interconnection studies.

Question 5: Do you believe that transmission providers should be required to evaluate energy storage serving as a transmission asset as part of reliability policy and economic transmission planning processes?

Answer: It is my understanding that the Commission is considering this question in the Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection NOPR proceeding (Docket No. RM21-17-000). In that proceeding, the Commission proposed to require that transmission providers more fully consider dynamic line ratings as well as advanced power flow control devices in regional transmission planning. Additionally, the Commission asked for comment on whether additional technologies should be considered. If confirmed, I would work with my colleagues to examine these important issues.



Chairman Joe Manchin
Energy & Natural Resources Committee
United States Senate
304 Dirksen Senate Building
Washington, DC 20510

Ranking Member John Barrasso
Energy & Natural Resources Committee
United States Senate
304 Dirksen Senate Building
Washington, DC 20510

March 13, 2024

RE: Support for FERC Nominees

Dear Chairman Manchin and Ranking Member Barrasso:

I am writing on behalf of American Clean Power (ACP) in support of the nominations of David Rosner, Judy Chang, and Lindsay See to serve as commissioners with the Federal Energy Regulatory Commission (FERC or Commission). We applaud President Biden's nomination of these three individuals who will bring a diverse set of experiences to FERC and urge the committee to move swiftly in its consideration.

ACP represents nearly 800 companies focused on deploying utility-scale energy. We unite the power of solar, wind, storage, and transmission developers, along with manufacturers and construction companies, owners and operators, utilities, and corporate purchasers of clean energy. To ensure the continued development of the U.S. energy industry, it is crucial that FERC not only maintain a voting quorum, but that it is restored to a full complement of commissioners.

From its inception FERC has been a bipartisan, independent agency in pursuit of its mission of assisting consumers in obtaining reliable, safe, secure, and economically efficient energy. This is best achieved by having a full five-person panel, which the Commission has lacked for more than a year.

Equally important, President Biden's nomination of these individuals safeguards a necessary working quorum of at least three commissioners. This is critical given that Commissioner Clements' impending departure from FERC, if no additional Commissioners are confirmed, would leave FERC without a quorum – unable to move key orders and rules forward. A standstill FERC serves no one and hurts everyone, and threatens national security, the economy, and the reliability of the electric grid.

Thank you for your time and attention to this important matter. We reaffirm our support for President Biden's nomination of these three individuals to serve as FERC Commissioners and welcome the opportunity to meet with you or your staff to further discuss the benefits of a swift confirmation process.

Sincerely,

A handwritten signature in black ink that reads "Jason Grumet".

Jason Grumet
Chief Executive Officer
American Clean Power



March 18, 2024

The Honorable Joe Manchin
Chair
U. S. Senate Committee on Energy and Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

The Honorable John Barrasso
Ranking Member
U. S. Senate Committee on Energy and Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

Dear Chairman Manchin, Ranking Member Barrasso, and Members of the U.S. Senate Committee on Energy and Natural Resources:

We urge you to advance the nomination to the full Senate of former Massachusetts Energy Undersecretary Judy Chang to serve as a Commissioner at the Federal Energy Regulatory Commission (FERC). Ms. Chang is an experienced public servant, a highly experienced energy professional, and a respected representative of the Asian American, Native Hawaiian, and Pacific Islander (AANHPI) community. Most importantly, she is exceptionally qualified and uniquely equipped for this role. We and the organizations we represent offer our strongest recommendation for Judy Chang's confirmation.

Ms. Chang's extensive work history in the private sector demonstrates her skills as an expert in energy and infrastructure, an area of critical importance to our country's continued ability to maintain a safe, reliable, affordable, and sustainable system of energy production and delivery. With her background in finance, economics, and engineering, she has played a key role on power system planning and wholesale power market design, experience well suited to the demands called upon at the FERC.

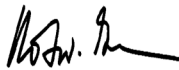
As an appointee of Massachusetts Governor Charlie Baker as his Undersecretary of Energy, she advised him on that state's energy policies. She ultimately served as a leader for six New England states to develop a unified vision for power system planning, creating a process of forward-looking, long-term planning, while factoring the evolution of electricity needs with state energy and climate policies in the region.

Ms. Chang's appointment would also advance efforts toward improving AANHPI representation by her becoming the first Asian American female Commissioner to serve at the FERC. While Undersecretary for Massachusetts, she opened her door to the AANHPI community and solicited our advice on how the state could best serve its constituents. Her personal background as an Asian American woman means she not only sees our community but also has lived our experiences. This vacancy offers the opportunity to demonstrate America's commitment to diversity across all levels of government.

Our country will benefit greatly from her federal public service. We urge the Committee to advance Judy Chang's nomination to serve as a Commissioner at the FERC to the full Senate.

Thank you for your consideration.

Sincerely,



Robert W. Gee
President
Asian Americans in Energy, the Environment, and Commerce (AE2C)



John C. Yang
President and Executive Director
Advancing Justice | AAJC

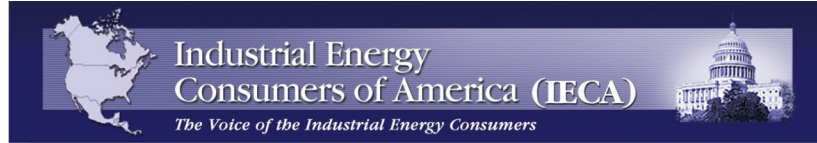


Madalene Xuan-Trang Mielke
President and CEO
Asian Pacific American Institute for Congressional Studies (APAICS)



Priya Purandare
Executive Director
National Asian Pacific American Bar Association (NAPABA)

cc: Members of the U.S. Senate Committee on Energy and Natural Resources
Senator Ron Wyden
Senator Maria Cantwell
Senator Bernard Sanders
Senator Martin Heinrich
Senator Mazie Hirono
Senator Angus S. King, Jr.
Senator Catherine Cortez Masto
Senator John Hickenlooper
Senator Alex Padilla
Senator James E. Risch
Senator Mike Lee
Senator Steve Daines
Senator Lisa Murkowski
Senator John Hoeven
Senator Bill Cassidy
Senator Cindy Hyde-Smith
Senator Josh Hawley



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March 20, 2024

The Honorable Joe Manchin, III
Chairman
Committee on Energy and Natural Resources
U.S. Senate
Washington, DC 20510

The Honorable John Barrasso
Ranking Member
Committee on Energy and Natural Resources
U.S. Senate
Washington, DC 20510

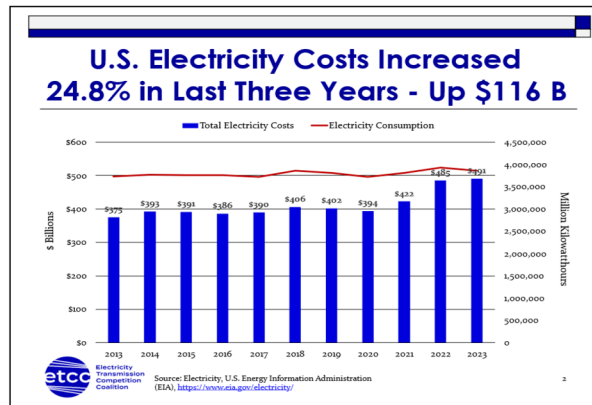
Re: Comments for the Record on "Hearing to Consider Nominations to the Federal Energy Regulatory Commission"

Dear Chairman Manchin and Ranking Member Barrasso:

Consumers have two important questions for each nominee to answer:

Q1: U.S. electricity costs have increased by \$116 billion or 24.8% in three years, while demand has been flat. What are you going to do to stop the escalation of electricity prices?

Q2: Will you support competitive bidding of new transmission projects that are 100 kV or greater to reduce costs to consumers?



Sincerely,

Paul Cicio
Paul Cicio
President & CEO

Page 2
Industrial Energy Consumers of America

cc: Committee on Energy and Natural Resources

The Industrial Energy Consumers of America is a nonpartisan association of leading manufacturing companies with \$1.3 trillion in annual sales, over 12,000 facilities nationwide, and with more than 1.9 million employees worldwide. It is an organization created to promote the interests of manufacturing companies through advocacy and collaboration for which the availability, use and cost of energy, power or feedstock play a significant role in their ability to compete in domestic and world markets. IECA membership represents a diverse set of industries including: chemicals, plastics, steel, iron ore, aluminum, paper, food processing, fertilizer, insulation, glass, industrial gases, pharmaceutical, consumer goods, building products, automotive, independent oil refining, and cement.



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LIUNA!

March 21, 2024

The Honorable Joe Manchin
Chairman
306 Hart Senate Office Building
Washington, DC 20510

The Honorable John Barrasso
Ranking Member
307 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Manchin and Ranking Member Barrasso:

On behalf of the more than 520,000 members of the Laborers' International Union of North America (LIUNA), I am writing in support of all three of President Biden's nominations to the Federal Energy Regulatory Commission (FERC) to include Judy Chang, David Rosner, and Lindsay See. Restoring FERC to a full commission is imperative to both existing and future energy projects that power our Nation.

LIUNA's members work across all facets of energy production, including those overseen by FERC. Moreover, because of the notable investments from the Biden Administration in renewable energy projects, we are seeing a significant rise in wind, solar, and transmission-related work, as well. This growth, however, presents its own set of problems. Tackling these regulatory issues, such as grid deliverability and demand concerns, is contingent on a fully functioning FERC.

FERC requires at least three commissioners for a quorum. As Commissioner James Danly's term just ended, the Commission currently has three commissioners. However, with Commissioner Allison Clements' term expiring June 30 of this year, the threat of an inactive Commission is nearing. Judy Chang, David Rosner, and Lindsay See have extensive backgrounds within our Nation's energy infrastructure network and would be excellent additions to FERC.

LIUNA supports President Biden's nominees to the Federal Energy Regulatory Commission and urge Senators to do the same.

With kind regards, I am

Sincerely yours,

BRENT BOOKER
General President

bks

cc: All Senate Committee on Energy and Natural Resources Members

Feel the Power

