

SWETT AND LACERTE NOMINATIONS

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

TO

CONSIDER THE NOMINATIONS OF LAURA SWETT TO BE A MEMBER OF
THE FEDERAL ENERGY REGULATORY COMMISSION AND DAVID
LACERTE TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY
COMMISSION

SEPTEMBER 4, 2025



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SWETT AND LACERTE NOMINATIONS

THURSDAY, SEPTEMBER 4, 2025

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

The Committee met, pursuant to notice, at 10:05 a.m. in Room SD-366, Dirksen Senate Office Building, Hon. Mike Lee, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. MIKE LEE, U.S. SENATOR FROM UTAH

The CHAIRMAN. The Committee will come to order. Good morning and welcome to everyone.

Before I begin my opening statement, I want to let my colleagues know basically how we are going to proceed today. I also want to thank Senator Heinrich and his staff for working with us on today's hearing, getting it scheduled and set up, and thanks to all the Senators for your participation.

Today is the Committee's ninth hearing on nominations for the current administration. We are going to hear from two nominees, two people who have been nominated to serve on the Federal Energy Regulatory Commission, known as FERC—Laura Swett and David LaCerte.

I thank President Trump for sending both nominees over. The Commission is what is known as an independent agency, one that plays a critical role in America's energy dominance. As the Supreme Court explains, FERC's mission is "to encourage the orderly development of plentiful supplies of electricity and natural gas at reasonable prices." FERC accomplishes this mission by overseeing the reliable interstate transmission of electricity and transportation of natural gas and of oil. FERC regulates wholesale power prices and reviews proposals for major energy products, such as natural gas pipelines, LNG terminals, and hydroelectric dams. FERC also protects the reliability and security of the bulk power system. It enables those it regulates to provide affordable, reliable energy to millions, and must adopt policies that keep pace with today's economy.

We will meet those nominees and invite each one of them to give an opening statement and introduce family and friends here in a moment. Our first nominee today is Laura Swett. Ms. Swett currently works as an energy and litigation counsel at the law firm of Vinson and Elkins, where her principal area of practice is federal energy regulatory litigation. She represents pipelines and other regulated entities before the Commission. She previously

served as senior legal and policy advisor to then FERC Chairman Kevin McIntyre and Commissioner Bernard McNamee. Before that, she was a lawyer in the FERC Office of Enforcement, where she led and supported investigations.

Second, we will hear from David LaCerte. Mr. LaCerte recently returned to his position as special counsel with the law firm of Baker Botts, where he focused on energy litigation and environmental safety and incident response. Earlier this year, he served as principal advisor to the Director of the U.S. Office of Personnel Management, where he also served in the Trump administration in the first go-around. He continues to serve there as an unpaid special government employee. Mr. LaCerte previously served as Executive Counsel to the Chairman of the U.S. Chemical Safety Board, overseeing the Agency's response to major chemical incidents nationwide. Mr. LaCerte also held several key leadership roles within the Louisiana state government, including Secretary of the Louisiana Department of Veterans' Affairs. A combat veteran of the United States Marine Corps, Mr. LaCerte served as an infantryman with the First Battalion, First Marine Division.

So welcome to both of our nominees. Let's begin. I will now turn to my opening remarks.

The Federal Energy Regulatory Commission holds enormous influence over America's ability to power its homes and to fuel its industries, and thereby indirectly strengthening American national security. When it functions well, families see affordable bills, communities see investment, and businesses are more able to grow. When it fails, the consequences are felt in every corner of the country, in every economic way imaginable. Under the Biden administration, FERC was too often steered in a direction that was harmful, and that harmed hardworking Americans. Costs rose—

[Protester interrupts.]

The CHAIRMAN [continuing]. Infrastructure projects languished in regulatory limbo. Vital pipelines and terminals were delayed or denied, while demand for reliable power only continued steadily to increase. The record left the nation more vulnerable to energy scarcity and more dependent on foreign suppliers. The task before today's nominees is to help reverse that course. If confirmed, Ms. Swett and Mr. LaCerte will be charged with ensuring FERC applies the law as written, not as reimagined by regulators. They will need to evaluate the policies that have been put in place by the previous administration and roll back those that drove up costs, stifled innovation, or weakened the resilience of our grid. Both nominees will bring with them valuable experience that can serve FERC well. Ms. Swett spent years working directly with FERC—at FERC—giving her an inside understanding of how the agency operates. And Mr. LaCerte has held leadership roles at both the state and federal levels, bringing the perspective of a combat veteran who has led under great pressure. These are qualities that, if applied, can help ensure FERC has the proper focus, providing affordable and reliable energy for the American people.

The stakes in this really couldn't be higher. Americans deserve a Commission that takes seriously and sticks to this focus on a mission to encourage the orderly development of plentiful supplies of electricity and natural gas at reasonable prices. That mission de-

termines whether families can afford their homes, to heat their homes in the winter weather, or military bases will have the power that they need to operate, and whether our economy will have a foundation for sustained growth. This hearing brings an opportunity for both nominees to make clear how they will approach these responsibilities. We need to know how they view the ongoing legal debate about the status of so-called independent agencies and what that means for accountability to the law and to the American people, what they see as FERC's most important statutory responsibility in today's rapidly changing energy landscape, and what their top priorities might be in overseeing the natural gas and energy sectors, given those sectors' central importance to the U.S. economy, especially now. This Committee has a responsibility to hold nominees to that standard, and FERC is too important to American life to be paralyzed by delay or distracted from its core mission. It must focus squarely on the law, on reliability, and on the needs of the American people.

I thank both witnesses—both nominees—for being here today, and for their willingness to serve. I look forward to a candid conversation about how they would take on this responsibility at such a critical moment for our nation's energy future.

I will now turn to our Ranking Member, Senator Heinrich, for his opening statement.

**OPENING STATEMENT OF HON. MARTIN HEINRICH,
U.S. SENATOR FROM NEW MEXICO**

Senator HEINRICH. Thank you Chairman, and welcome to Ms. Swett and Mr. LaCerte.

Most of the offices under our Committee's jurisdiction do not have statutorily required qualifications. The Federal Energy Regulatory Commission is, however, an exception. The DOE Organization Act requires that members of the Commission be "individuals who, by demonstrated ability, background, training, or experience, are specially qualified to assess fairly the needs and concerns of all interests affected by federal energy policy." The reason for this distinction is simple: much of the Commission's work is quasi-judicial. Like our courts, FERC must be impartial and non-partisan. Office and bureau heads, deputy secretaries, assistant secretaries in both the Interior and Energy Departments may take their lead from their secretaries, and their secretaries from their president. Commission members do not.

The Commission was established as an independent regulatory commission whose members serve fixed terms, not at the pleasure of the president. And their performance of the Commission's functions is not subject to the supervision or direction of the administration. The Commission was designed to serve no president, no political party, and no political agenda. Its job is to serve the public interest fairly and impartially, guided by our laws and the Constitution, not by political whims from the White House. The independence of our independent public institutions, from the Federal Reserve to the Smithsonian Institution is under attack by this administration, and destroying the independence of the Federal Energy Regulatory Commission would do irreparable damage to public confidence in the Commission's decision-making, to regulatory

stability, and to our energy security. Consequently, our job this morning is not only to understand Ms. Swett's and Mr. LaCerte's ability to assess fairly the needs and concerns of all interests affected by federal energy policy, but also to assess their commitment to FERC's independence.

The CHAIRMAN. Thank you so much, Senator Heinrich.

We will now turn to our colleague from Louisiana, Senator Cassidy, to introduce David LaCerte.

**OPENING STATEMENT OF HON. BILL CASSIDY,
U.S. SENATOR FROM LOUISIANA**

Senator CASSIDY. It is my privilege to do so, and before I begin, I will introduce a letter from my Governor, who is supporting Mr. LaCerte's nomination.

The CHAIRMAN. That will be admitted into the record, without objection.

[The letter referred to follows:]



Jeff Landry
Governor

State of Louisiana
OFFICE OF THE GOVERNOR
P.O. BOX 94004
BATON ROUGE
70804-9004

August 22, 2025

Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510

Dear Chairman Lee and Members of the Committee,

I write today with great pride and unwavering enthusiasm to support the nomination of David LaCerte from my beloved Pelican State for appointment to the Federal Energy Regulatory Commission (FERC).

Mr. LaCerte brings to this nomination an extraordinary blend of leadership, integrity, and common-sense dedication – qualities that stand out in both service to our State and our Nation.

Mr. LaCerte is a proven public servant whose record is one of breadth and distinction. He served Louisiana as Secretary of the Department of Veterans Affairs under Governor Bobby Jindal, where he fought tirelessly for the men and women who wore our Nation's uniform and made our State proud. At the federal level, David worked within the U.S. Chemical Safety and Hazard Investigation Board and the Office of Personnel Management – roles where he brought discipline, transparency, and accountability to independent agencies.

Mr. LaCerte also possesses distinguished experience in energy law. For years, David served as special counsel at Baker Botts – one of our Nation's most respected energy law firms – where he handled complex energy litigation and environmental, safety, and incident-response issues with professionalism and technical mastery. This experience places him among the finest energy law practitioners in the business.

A graduate of Nicholls State University and LSU Law School, Mr. Lacerte has Louisiana roots that run deep. They have both shaped David's character and fueled his devotion to our State's energy community. Louisiana is the LNG export capital of the world, and having someone with David's experience and dedication representing our voice at FERC is only right.

But beyond his impressive résumé, Mr. LaCerte is a true Louisianan – an avid outdoorsman who has shared time with me in the swamps and bayous, appreciating firsthand the wildlife and water resources that define our State. He knows the delicate balance between energy development and environmental stewardship that Americans expect and depend upon.

In short: Mr. LaCerte is a well-rounded, reform-minded, and grounded individual. David's career has spanned from state agencies to federal oversight and from the courtroom to conservation. His appointment would bring a practical, people-oriented approach to FERC – one that bridges partisan divides, strengthens reliability, and safeguards our natural heritage.

As Governor of Louisiana, I strongly urge this Committee – and ultimately, the full Senate – to confirm David LaCerte to FERC. Our Nation and her people deserve a regulator who is capable, accountable, and connected to the citizens he serves.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Landry", with a long, sweeping underline.

Jeff Landry
Governor

Senator CASSIDY. Thank you all.

Thank you, Chairman Lee, Ranking Member Heinrich, and fellow Committee members. I have the privilege of introducing David as a nominee for Commissioner of the Federal Energy Regulatory Commission. He is a lot of things—a combat veteran of the Marine Corps, an attorney, a true conservative, Emily’s husband, and father to four kids, who are truant today—not going to school—but they are all behind him. He attended law school at LSU before going on to become a highly successful attorney working in energy litigation, practiced privately at Sternberg, Naccari and White in New Orleans before serving as Special Counsel at Baker Botts, advising clients in the energy sector on some of the most complex challenges facing the energy industry today.

After rising through the ranks with the Louisiana Department of Veterans Affairs, he was appointed to serve in various federal positions, including most recently as White House Liaison and Senior Advisor to the Director of the U.S. Office for Personnel Management, where he continues to offer counsel. Prior to that, he served a term appointment at the U.S. Chemical Safety and Hazard Investigation Board, where he oversaw the agency’s response to major chemical incidents nationwide. That gave him hands-on experience with energy infrastructure and safety at the national level, invaluable for a FERC Commissioner.

David’s firsthand exposure to Louisiana’s energy economy, which is based firmly upon petrochemicals, combined with his legal and regulatory experience, gives him an intuitive understanding of the challenges and opportunities facing the LNG industry. David knows liquefied natural gas. Louisiana knows liquefied natural gas. And he understands how to move projects forward while protecting workers, communities, taxpayers, and the environment. He knows what’s at stake, and how to get results. President Trump is unleashing American energy. David LaCerte is a FERC Commissioner who can help him do so.

Thank you for once more answering the call to the American people and thank you to your family for supporting you as they do.

Thank you. With that, I yield.

The CHAIRMAN. Thank you so much, Senator Cassidy.

Okay, the rules of the Committee require that all nominees be sworn in connection with their testimony. If you would, both please stand and raise your right hand.

Do you solemnly swear that the testimony that you are about to give before the Committee will be the truth, the whole truth, and nothing but the truth, so help you God?

[Witnesses sworn.]

The CHAIRMAN. Thank you. The record will reflect that both nominees answered in the affirmative.

You may be seated.

Before you begin your opening statements, I am going to ask the nominees three questions that we pose to all of the nominees that come before this Committee. You can just signify by saying yes or no. You don’t have to stand for this part.

First, will you be available to appear before this Committee and other congressional committees to represent the Commission’s positions and respond to issues of concern to Congress?

Mr. LACERTE. Yes.

Ms. SWETT. Yes.

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

Mr. LACERTE. No.

Ms. SWETT. No.

The CHAIRMAN. And third, are you involved in or do you have any assets in a blind trust?

Ms. SWETT. No.

Mr. LACERTE. No.

The CHAIRMAN. Okay. The record will reflect that both witnesses answered in the affirmative to the first question, and in the negative to the second and third questions. And incidentally, those are the correct answers. You both scored 100 percent there.

As I turn to the two witnesses, I will invite each, as he or she may prefer, to introduce any friends or family members who are here with you today.

Ms. Swett, we will start with you and then we will proceed to Mr. LaCerte after that. Go ahead, Ms. Swett.

**STATEMENT OF LAURA SWETT, NOMINATED TO BE A MEMBER
OF THE FEDERAL ENERGY REGULATORY COMMISSION**

Good morning, Chairman Lee, Ranking Member Heinrich, and distinguished members of the Committee. I am grateful to appear before you today and for your considering my nomination to be a Commissioner at the Federal Energy Regulatory Commission. I am deeply honored that the President nominated me for this role and I am grateful to the members of the Committee who graciously met with me before today.

I would not be here without the support of many incredible people, including those who are behind me. My mother and father, Jackie and Charles Swett; My husband, John, who has steadfastly supported my goals, and who fathered our two beautiful children—a conscientious kindergartener and a fiery baby girl; my sister, who happens to be one of the many talented, dedicated civil servants who works at FERC; and incredible mentors who have given me both great opportunity and unwavering guidance are also here today.

My grandmother lived destitute in the Mekong River Delta of Vietnam. My mother escaped the violent oppression of communism and fled to the safety of our great country. Her family arrived here in 1974 with nothing. My father grew up in a low-income New York City housing project in the 1950s. He dedicated over 40 years to serving the people of this country as a civilian at the Pentagon, but not before he was a TSA agent at JFK airport in the 70s, if you can imagine. His dedication to the United States inspired me to enter civil service myself. I served two stints at FERC, first during law school as an unpaid extern, and second as a young lawyer in the Office of Enforcement and as an advisor to a former Chairman and Commissioner.

My parents both clawed tooth and nail for every opportunity they ever had. They raised me and my sister with the hope of a better life and with a profound love of America. That I am before you today is the realization of the American dream—for them, for the generations of ancestors behind them, and the sacrifices that all of them made to get me here today. Given this background, I am so eternally grateful for your time and consideration.

My passion for energy began when I was about five years old. Shortly after my parents bought a standalone house, they generously began to shelter other Vietnamese refugees who sought the promise of a better life in America. At that point, all I had known of Vietnam was pictures of a war-torn country and villagers in rice paddies. On those refugees' first evenings on U.S. soil, in my parents' basement, at dusk, I turned on all the lights, the TV, and brought all of my whirring electric toys. At their great delight, I wholly believed in my five-year-old heart that I performed magic for them at my command of power. I treasured electricity from that point on. From that tender age, and reinforced by my mother throughout adulthood, I have appreciated deep in my bones how lucky we are in this country to have reliable energy and everything that enables. How lucky we are to power our hospitals and schools, to air condition our houses, and even to have hot showers. I actually think about that every day. This is why FERC's mission, as created and empowered by Congress, has been my work for the past 15 years, and will continue to be for the rest of my life in whatever form that comes.

Sitting before you is the pinnacle of my career, particularly after working for years myself as a FERC civil servant. In my mind, the role of each FERC Commissioner is not only to vote on specific orders, but it is as a steward of this country's economic present and future and an advocate for the hundreds of millions of Americans who are impacted by FERC jurisdiction. If I have the honor of being confirmed, I will do everything in my power to honor the law and the facts of every single matter before me, squarely within the confines of the laws that you, Congress, granted FERC. And within these confines, I would prioritize three core goals for our country, based on my independent experience. Our country is also at a historic crossroads, and these goals are more important than ever:

One, we must keep the lights on and the pipelines that are the pillars of our economy flowing at just and reasonable rates.

Two, we must preserve national and economic security by doing everything within FERC's power to buttress the AI revolution and facilitate the connection of large load and data centers, so that data centers are not forced to build in other countries, making every American vulnerable to foreign adversaries.

Three, we must maximize FERC's ability to encourage and facilitate infrastructure development. This development has faced crippling regulatory uncertainty over the recent past, the well functioning and increase of which is critical to reliability, safety, and our economy.

After working alongside the mission-driven, hardworking men and women of FERC, and representing electric utilities and oil and gas pipelines, I now know that energy is not the magic I believed it to be when I was young. Now I know that energy, the backbone

of our great nation, flows day in and day out from the dedication and toiling of thousands of men and women across America and in FERC itself. Those men and women keep the lights on, enable us to heat and cool our homes, and are the reasons that our planes fly, our trains run, and that we enjoy many modern comforts. I truly appreciate the honor bestowed upon me of being in front of you here today, and thank you so much for your time and consideration.

[The prepared statement of Ms. Swett follows:]

Written Testimony of Laura Swett
Nominee to the Federal Energy Regulatory Commission
before the
Energy and Natural Resources Committee
United States Senate
September 4, 2025

Chairman Lee, Ranking Member Heinrich and distinguished members of the Committee, I am grateful to appear before you today and for your considering my nomination to be a Commissioner at the Federal Energy Regulatory Commission. I am deeply honored that the President nominated me for this role, and grateful to the members of the Committee who graciously met with me before today.

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My parents clawed tooth and nail for every opportunity that they had, and to raise me and my sister with the hope of a better life but with a profound love of America. That I am before you today is the realization of the American dream, for them and for the generations of ancestors behind them, and the sacrifices that all of them made to push me up. Given this background, I am eternally grateful for your time and consideration.

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If I have the honor of being confirmed, I will do everything in my power to honor the law and the facts of every matter before me, squarely within the confines of what you, Congress, granted. And within these confines, I would prioritize three core goals for our country, which is at a historic crossroads:

- 1) keeping the lights on and the pipelines that are pillars of our economy flowing, at just and reasonable rates.
- 2) preserving national and economic security by doing everything within FERC's power to buttress the AI revolution and facilitate the connection of large load and data centers, so that data centers are not forced to build in other countries, making every American vulnerable to foreign adversaries.
- 3) maximizing FERC's ability to encourage and facilitate infrastructure development, which has faced crippling regulatory uncertainty over the recent past, the well functioning and increase of which is critical to reliability, safety, and our economy.

After working alongside the mission-driven, hardworking men and women of FERC, and representing electric utilities and oil and gas pipelines, I now know that energy is not the magic I believed it to be when I was young. Now, I know that energy, the backbone of our great nation, flows day in and day from the dedication and toiling of thousands of men and women across America and in FERC itself. Those men and women keep the lights on, enable us to heat and cool our homes, and are the reason that our planes fly, our trains run, and that we enjoy many modern comforts.

I truly appreciate the honor bestowed upon me of being here today, and thank you for your time and consideration.

The CHAIRMAN. Thank you so much, Ms. Swett.
Mr. LaCerte, you may begin.

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

Mr. LACERTE. Thank you, Chairman Lee, Ranking Member Heinrich, and members of the Committee. I am especially thankful for the kind words from Senator Cassidy, and I would like to thank him for his distinguished service as a champion for the people of Louisiana.

It is an honor to appear before you today. I humbly come before you as President Trump's nominee for Commissioner of the Federal Energy Regulatory Commission. I would first like to recognize some of the core figures in my life. Without their support, this nomination would have never been possible. First, I would like to acknowledge my wife, Emily. She is uniquely special in so many ways. She forever inspires me with her kindness, her wisdom, and most of all her passion for life. She encourages me to continue my public service, and I would most certainly not be here today without her positive influence. I want to thank my children and my stepchildren who are with me today, Ava, Margaret, Louisiana, and Robert. Special recognition goes to their schools in Baton Rouge—St. Jude the Apostle and our Lady of Mercy—who have prepared my children with just the right amount of Catholic Mass to prepare them for today. Every day over the past eight months I have fought to make America a better place to live, to work, to raise a family, and to prosper. We do this not only for my children but for everyone's children, and for their generations to come. I want to directly acknowledge the burden carried by the families of our public servants. These burdens are profound, and the patience and grace given to me by my children carries me through the demanding days of life as an appointee.

Thank you to my parents, Steve and Carol, who are watching at home, and raised me up until the day they handed me off to Uncle Sam. Thank you to those present and watching at home who have fought alongside me in the United States Marine Corps. The Marine Corps and our shared ethos have made me into the man that stands before you today. Thank you to those currently serving, and especially those who gave their last full measure of devotion to their country and never made it home. You are a guiding light in my life and it's my honor to carry your legacy.

I have been a public servant for most of my career and I have sworn an oath to the Constitution on many occasions. I have led infantry Marines in the invasion and occupation of Afghanistan. I have led state and federal agencies, including an independent agency under both the Trump and Biden administrations. I have practiced law at one of the oldest and most respected energy law firms in the country. These unique experiences have afforded me an understanding of the intersections of government and industry that has left me well-prepared for the role in which I am considered today before this honorable Committee.

Today, FERC is at a historic crossroads. The demand for energy is growing, and the infrastructure which has allowed this country to thrive for so many decades needs continued improvement and in-

vestment. The challenge of increasing the reliability and resiliency of our grid while simultaneously protecting our ratepayers has never been a more important balance. It's a foundation that is built brick by brick, and decision by decision. Artificial Intelligence, data centers, and reindustrialization present a compounding of these issues, which will require diligent planning, forecasting, and regulatory oversight from both the states as well as FERC. This is a challenge that must be met and cannot be delayed. The administrative burden placed upon those who seek to invest in our infrastructure is staggering. Delays in federal reviews and decision-making make energy less reliable and more expensive. Reducing processing time and the associated administrative burden will speed projects along, allowing those cost savings to be passed to ratepayers.

I believe my background as a government executive and my experience as an environmental attorney provide strong qualifications and a fresh perspective on these issues challenging FERC. The outstanding career staff at FERC cannot do this alone. As the Committee has noted, FERC is most functional with a fully seated board of complementary Commissioners, prepared to work together, along with stakeholders, to develop solutions for the problems of today and tomorrow. Once again, Chairman Lee, Ranking Member Heinrich, and members of the Committee, I appreciate the opportunity to appear before you, and I look forward to your questions.

[The prepared statement of Mr. LaCerte follows:]

Written Testimony of David LaCerte
Nominee to the Federal Energy Regulatory Commission
before the
Energy and Natural Resources Committee
United States Senate
September 4, 2025

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First, I'd like to acknowledge my wife, Emily. She is uniquely special in so many ways. She forever inspires me with her kindness, her wisdom, but most of all her passion for life. She encourages me to continue my public service, and I would most certainly not be here today without her positive influence. I want to thank my children and my stepchildren who are with me today, Ava, Margaret, Louisiana, and Robert. Every day over the past eight months I have fought to make America a better place to live, to work, to raise a family, and to prosper. We do this not only for my children but for everyone's children, and their generations to come.

I want to directly acknowledge the burden carried by the families of our public servants. These burdens are heavy, and the patience and grace given to me by my children carries me through the demanding days of life as an appointee. Thank you to my parents, Steve and Carol, who are watching at home and raised me up until the day I was handed off to Uncle Sam.

Thank you to those present and watching at home who fought alongside me in the United States Marine Corps. The Marine Corps and our shared ethos have made me into the man that stands before you today. Thank you to those currently serving, and especially those who gave their last full measure of devotion to their country and never made it home. You're a guiding light in my life and it's my honor to carry your legacy.

I have been a public servant for most of my career and I have sworn an oath to the constitution on many occasions. I have led infantry Marines in the invasion and occupation of Afghanistan. I have led state and federal agencies, including an independent agency under both the Trump and Biden administrations. I have practiced law at one of the oldest and most respected energy law firms in the country. This unique experience has afforded me an understanding of the intersections of government and industry which has well prepared me for the role in which I am considered before this honorable committee.

Today FERC is at a historic crossroads. The demand for energy is growing and the infrastructure which has allowed this country to thrive for so many decades needs continued investment. The challenge of increasing the reliability and resiliency of our grid while simultaneously protecting our ratepayers has never been a more important balance. It's a foundation that is built brick by brick, decision by decision. Artificial Intelligence, data centers, and reindustrialization present a compounding of these issues which will require diligent planning, forecasting, and regulatory

oversight from both the states as well as FERC. This is a challenge that must be met and cannot be delayed.

The administrative burden placed upon those who seek to invest in our infrastructure is staggering. Delays in federal reviews and decision making make energy less reliable and more expensive. Reducing processing time and the associated administrative burden will speed projects along, allowing those cost savings to be passed to ratepayers. I believe my background as a government executive and my experience as an environmental attorney provide strong qualifications and a fresh perspective on these challenges before FERC.

The outstanding career staff at FERC cannot do this alone. As this Committee has noted, FERC is most functional with a fully seated board of complementary Commissioners, prepared to work together, along with stakeholders, to develop solutions for the problems of today and tomorrow. Once again, Chairman Lee, Ranking Member Heinrich, and members of the Committee, I appreciate the opportunity to appear before you, and I look forward to your questions.

The CHAIRMAN. Thanks so much to both of you.

We will now start five-minute rounds of questions, alternating between Republicans and Democrats. I will go first, then Senator Heinrich, and then alternating between Republicans and Democrats in order of seniority, subject to the early arrival rule.

Mr. LaCerte, let's start with you. One might observe that you haven't had direct experience at the Federal Energy Regulatory Commission, but you do bring to the table a wealth of personal and professional experience to the role. Tell me and the Committee how your background has prepared you well to serve as a FERC Commissioner, and how your perspective is something that can benefit the Commission's work on behalf of the American people?

Mr. LACERTE. Senator, thank you for that question. I appreciate the opportunity to answer it.

I know you have all heard my paper resume. I have worked at an independent agency before that is bipartisan in nature with both Republicans and Democrats. I have practiced as an attorney at an energy law firm. I think that the most important qualification I have is that I can bring a common-sense approach to get problems solved and get things done, and I have proven that to the President of the United States. I have an outstanding set of experiences in safety, in cyber, and in a multitude of issues that help FERC. At the end of the day, I think that we can bring a common-sense approach to FERC, to work together with the fellow commissioners to kind of have a return to the baseline statutes and make energy more affordable and more reliable.

The CHAIRMAN. Thank you.

I am going to ask both of you this next question. There is currently litigation moving through the federal courts challenging the result in a case called *Humphrey's Executor*. That case, of course, addressed the question of the President's authority to remove a member of a so-called independent agency, to remove somebody in one of those positions from an office before the end of a statutorily defined term. We will start with you, Mr. LaCerte, and then go to Ms. Swett.

Mr. LaCerte, what is your view on the issue, and how might that impact your performance or your perspective as a commissioner, should you be confirmed?

Mr. LACERTE. Thank you, Senator. I am aware of the trend in cases from *Humphrey's Executor*. First, I would like to say, we are always going to follow the law, if I am confirmed as a FERC Commissioner, but I personally would welcome a modification on *Humphrey's Executor*. If the Supreme Court rules in that direction, we will follow the law. Every day that I get to serve the American people and the American public is a gift. I appreciate that every day. I go to work every day and I give my best effort, 100 percent, until my service is no longer needed, or until the good Lord calls me home, and I am going to continue to do that, if confirmed.

The CHAIRMAN. Semper Fi.

Ms. Swett.

Ms. SWETT. Thank you for the question, Senator.

I share my potential colleague's views that it would be a true honor to be confirmed to serve on the Federal Energy Regulatory Commission. And of course, I will follow the law and honor the law

in everything that I do and consider the merits of every single issue, the law, and the facts before me, irrespective of where the litigation comes out in the length of my term. Thank you.

The CHAIRMAN. And Ms. Swett, what would be your top priority as a commissioner while regulating the natural gas and energy sectors? You know, the energy commodities that are subject to FERC's jurisdiction represent between three and six percent of U.S. GDP, and core inputs of that energy—those inputs end up having a multiplier effect on the economy. So, with that in mind, what would be your top priority, if confirmed as a FERC Commissioner, when regulating natural gas and electricity?

Ms. SWETT. Thank you for the question, Senator.

I agree with you. FERC's mission is more important than ever, given its impact on the economy and the unprecedented, historic load growth and demand and also resource adequacy issues facing our country. If I have the honor of being confirmed, I will always go back to the statute that Congress has authorized, and that is encouraging the orderly development of plentiful supplies of electricity and natural gas at reasonable prices for American consumers. And hand-in-hand with that is FERC's mission of ensuring that the lights are on. We have to ensure that our grid is stable and that all Americans have access to electricity that is reliable.

The CHAIRMAN. Sound objectives and very consistent with FERC's statutory mandate. What do you see as some of the most significant impediments to achieving those outcomes?

Ms. SWETT. Thank you for the question, Senator. The increasing load that we are facing today, particularly given the AI revolution in our country, which is integral to national security and our economic stability, makes reliability more important than ever. And FERC has dealt with those issues, and so have the states, and it's squarely within the crosshairs of jurisdiction of federalism. And so, that is something that we must navigate very thoughtfully, very carefully, and very specific to each instance in which it arises in front of FERC.

The CHAIRMAN. Great.

Thank you very much. My time has expired. I will turn the time over to Senator Martin Heinrich.

Senator HEINRICH. Thank you, Chairman.

Earlier this year, President Trump signed an executive order asserting to give the White House greater control over independent agencies. As both of you know, FERC is a statutorily independent agency with a very clearly defined mandate. Ms. Swett, let me start with you. Can you tell me why maintaining FERC's independence is so critical?

Ms. SWETT. Thank you for the question, Senator.

Maintaining FERC's independence is critical because that is exactly how Congress created the agency. In the DOE Organization Act of 1977, Congress carved FERC out of DOE's jurisdiction and explicitly provides that no FERC action is under review by anyone at DOE. And thus, as a lawyer who has been practicing FERC law for 15 years, I will always go back to the statute, and that is exactly what Congress directed, and I will not exceed the jurisdiction that Congress has given the agency, if I am confirmed.

Senator HEINRICH. Mr. LaCerte, same question.

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

First, I want to say, I certainly am no stranger to the value of the assertion of independence at independent agencies, having spent time at the CSB as the acting managing director, acting general counsel, the executive council, and the senior advisor to the chairman. I am very familiar with navigating independent agencies. And I think the independence of FERC is derived from its individual structure via the commissioners. Those five individuals have independent voice, and it's important that we nominate people and confirm people that honor that independence and follow the law and apply the facts.

Senator HEINRICH. According to EIA data, despite all that we have heard about affordability today, household electric bills are up 10 percent nationally since the beginning of this administration—in less than a year, actually, a double-digit increase in electric bills. Former Republican FERC Chairman Chatterjee has said that we need every single available electron on the grid. Both of you have referenced the increased demand as a result of data centers and artificial intelligence. Would you agree that in the face of incredible rising demand, probably the greatest demand increase we have seen since the onset of air conditioning, that the grid right now requires more, not less affordable and reliable energy?

Ms. Swett.

Ms. SWETT. Thank you for the question, Senator. I absolutely agree with you that the grid needs more generation, and more reliable generation, and that we should do whatever we can to ensure that the lights are on. That said, under the Federal Power Act, Congress has explicitly stated that FERC's mission is to ensure that there is no undue discrimination in the rates that are charged pursuant to its jurisdiction, and I agree with that, of course, per Congress's wisdom. And if I have the honor of being confirmed, I will honor that in every matter that I examine.

Senator HEINRICH. Let's take that one step deeper down. Right now, and for the next several years, actually, probably for at least the next four, 95 percent of the projects slated to come onto the grid to serve that demand are represented by wind, solar, and battery storage. We don't have—when you look at other generation sources, if they aren't already in the queue, things like combined-cycle natural gas has a five-year waiting period for combined-cycle natural gas turbines. Nuclear, obviously, has permitting challenges that, oftentimes, it takes ten years to get nuclear generation built.

What would the impact be if we, without replacement generation, took that 95 percent out of the pipeline of oncoming generation?

Ms. SWETT. Thank you for the question, Senator.

As a humble lawyer who is not an economist or a scientist, I am not going to try to guess what the impact of taking that huge amount out of the queue would be. However, it is incredibly important that we thoughtfully ensure that as much generation is available as is necessary to meet the unprecedented demand that our country is facing that will rise with every passing year. So I commit to you that if I have the honor of being confirmed, I will take a hard look at the matters before me, including interconnection, which I understand is under challenge in several federal courts at this time. So I don't want to prejudge anything, but if it comes be-

fore me and I am confirmed, then I will do everything I can to work with my colleagues to come to a solution.

Senator HEINRICH. I am not an economist, but as the son of a lineman, I can tell you that if we took that generation off, out of the pipeline, we would see incredible increasing costs. And that's why I think everyone at this dais is incredibly concerned about that.

Mr. LaCerte, can you commit to maintaining FERC's independence and commit that a generator's technology, which traditionally has not been considered when making interconnection decisions and permitting decisions, that FERC will maintain its agnostic approach to generation?

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

As my potential colleague Laura has noted, under the law we must remain neutral as it relates to such decisions, and we will always follow the law.

Senator HEINRICH. Mr. LaCerte, the baseline statute—I think that was the word you used—the baseline statute for FERC requires that “the Chairman and members of the Commission shall be individuals who, by demonstrated ability, background, training, or experience, are specially qualified to assess fairly the needs and concerns of all interests affected by federal energy policy.” Do I understand it that you have not represented clients before the FERC?

Mr. LACERTE. Correct, I have not represented clients before FERC, Senator, and I believe that that is a strength of mine and not a negative. As former Chairman Christie has noted in his swan song departing this Commission, there is a real fear of regulatory capture of FERC. So, I think a fresh perspective and a common-sense approach amongst one of the five members would be a welcome addition.

Senator HEINRICH. So you have never signed any pleading on a client's behalf with FERC on any matter?

Mr. LACERTE. Correct.

Senator HEINRICH. Describe to me the energy work that you have done at your firm.

Mr. LACERTE. Sure. Most of my work is done under the Clean Air Act, predominantly from a focus of safety and environment. I was housed within the energy litigation section of Baker Botts, which is one of the preeminent law firms in Texas that practice energy law. Within the energy litigation group there is an environmental safety and incident response section, and that would run the gamut all the way up and down the stream of energy, all the way from well heads to refineries, transportation and pipelines, which is a crossover from my time and jurisdiction on the Chemical Safety Board, all the way to specialty chemical refining.

Senator HEINRICH. Thank you, Chairman.

The CHAIRMAN. Senator Barrasso.

Senator BARRASSO. Thanks so much, Mr. Chairman.

For both of you, congratulations, welcome to the Committee. And now, this is a Committee that gets work done. Last year, we passed permitting legislation 15 to 4—bipartisan, because for a long, long time, we all agreed that environmental permitting requirements have delayed and halted needed infrastructure projects for our

country to make sure that we have the energy and the ability to transmit that energy. Part of this is pipelines.

So, Ms. Swett, even the courts have realized that this is out of control. The Supreme Court, as we have discussed, this year issued an 8 to 0 ruling that determined that reviews have become unreasonably burdensome. In the *Seven County* decision, Justice Kavanaugh wrote that the National Environmental Policy Act (NEPA) “is a procedural cross-check, not a substantive roadblock.” But it has turned into a roadblock, and so the Supreme Court agreed eight to nothing. He continued, “the goal of the law is to inform agency decision-making, not to paralyze it.”

So, how do you believe this decision is going to impact how FERC reviews projects?

Ms. SWETT. Thank you for the question, Senator.

As someone who has been part of the NEPA process for many applications in front of FERC, I share your sentiments that the regulatory process can be difficult to navigate and also creates quite a bit of uncertainty for infrastructure developers who invest billions of dollars into securing our nation’s energy future. I see *Seven County* as significantly narrowing the scope of environmental review required under NEPA, and now it’s more clear what FERC is required to do in examining the projects before it under the procedural statutes of NEPA. I am confident that we, if I have the honor of being confirmed, that with my colleagues, we should be able to take a hard look at FERC’s processes to see what efficiencies are available to see what we can make more transparent for the industry and to the benefit of the American people.

Senator BARRASSO. Thank you.

Mr. LaCerte, we talked about FERC being not really widely known about outside Washington, DC, but the Commission’s actions have a really big impact on the lives of Americans all across the country. The decisions that the Commission makes determine whether the lights reliably go on when people flip the switch. So please provide us your views of FERC’s role in ensuring reliability and affordability of energy.

Mr. LACERTE. Absolutely, Senator. I welcome that question and thank you for discussing it with me.

Reliability and affordability are the bedrock of FERC’s work. So, if confirmed, I will be certain to follow the law, but I would ask two questions of every single action in which we undertake at FERC as Commissioner: does this make our grid and energy structure more reliable, and the second question we would ask is, does this make our grid and infrastructure more affordable? And if the answer to those questions is no, then ask why we are doing it and why we are undertaking those things. So, it is a fundamental balance of we need affordability and reliability that impacts every aspect of our entire industry within our country. As Senator Lee said, you know, it’s such a large percentage of our GDP. It’s important that outside of FERC those impacts are recognized, and those perspectives are welcome.

Senator BARRASSO. And Ms. Swett, you know, we have had years of stagnant electric demand, but that has really changed because we are expecting a rapid growth with AI, with data centers, electrification. As I pointed out to this Committee in the past, that

peak demand in the summer is expected, five years from now, because of all these things, to actually increase as if adding an entire new California to the grid, even to the point that the New York Times had that as a front-page story. The demand is growing. Clearly, FERC is going to play a vital part in managing and helping with this growth. Can you share your views on the importance of meeting the demand growth and FERC's role in supporting that effort?

Ms. SWETT. Thank you for the question, Senator.

I actually have lost sleep a few nights worrying about how our country will meet the demand that it faces, and if I had the honor of being confirmed, I would do everything I can, within the powers clearly drawn by Congress for the agency, and that is to ensure that there is a plentiful supply of energy at just and reasonable rates and taking a hard look at the merits of every single matter before me, including the specific geographic market characteristics of each matter, which are extremely different depending on what market they are, the type of company that's in front of the Commission, and also how it interconnects to the grid. I would weigh all of those to ensure that FERC is mindfully encouraging connection and development of whatever it can.

Senator BARRASSO. Okay.

Mr. Chairman, my time is expired. Thank you very much. Congratulations.

The CHAIRMAN. Thank you, Senator Barrasso.

Senator King, you are up next.

Senator KING. Thank you very much.

Mr. LaCerte, I am a little confused. Senator Lee asked you the question about the *Humphrey's Executor* decision, and you seemed to indicate that you felt that the President would—and should—have the power to fire a FERC Commissioner. Is that your position?

Mr. LACERTE. No. Senator, thank you for the question. My position is that we will follow the law, and if the Supreme Court of the highest court in the land changes that law, then we will follow that, too.

Senator KING. Well, it's hard for me to imagine how the President having the power to fire Commissioners could—how you could still call the Commission independent. That, to me, is an ultimate compromise.

Let's talk about the central reality that we're facing today, which has been mentioned several times, and that is the incredible increase of demand of electricity. The Chairman, in the last hearing that we had, indicated some data that we are looking at a two percent per-year increase in demand. Over ten years compounded, that's 30 percent. That's a staggering increase. The question is—there are two issues—one is the power availability, and the second is time—how soon can it come?

Ms. Swett, what is the cheapest form of electricity generation today in the country?

Ms. SWETT. Thank you for the question, Senator.

I have not looked into that issue, but I am happy to look into it and answer any questions.

Senator KING. Well, I'll help you—it's wind and solar, by a mile, by a factor of two. The fellow who left here under difficult circumstances actually was correct. The cheapest forms of energy today are wind and solar by a longshot.

Do you know—let's take a case study—Iowa. Any idea how much wind power supplies to the economy of the electricity supply of Iowa?

Ms. SWETT. No, sir, I don't know the specific number.

Senator KING. Sixty percent. Iowa has the 15th lowest electricity cost in the country, and in the past year, as we have already learned, average electricity prices across the county have gone up between six and ten percent. In Iowa, it has actually gone down a half a percent. The point is, you both have talked about being agnostic. I hope you will hold to that because we can't ignore the reality around us that this administration is extremely hostile—and that's a mild term—to renewable energy. And yet, and the second point, as I talked about price, is speed. There is no question that wind and solar are the quickest to deploy. Senator Heinrich mentioned if you wanted a new gas turbine plant today, it would be about seven years between permitting and the fact that there is a five-year wait time for a turbine. A major solar project can go online in a year/year-and-a-half. So, I just hope that you all will be true to your word today and not follow what amounts to an ideology that says we can't have wind and solar.

Mr. LaCerte, will you commit to being agnostic as to energy sources and focus entirely on reliability, cost, and availability?

Mr. LACERTE. Senator, the Federal Power Act requires that a Commissioner be neutral in those decisions, and I commit to following the law.

Senator KING. And I want to emphasize, again, speed is an issue here. This demand growth that we are seeing is going to be taking place in the next two, three, four, five, six years. We don't have two, three, four, five, six years to somehow conjure electrons out of the sky. Actually, we can conjure them out of the sky if we are talking about solar power.

So, the second issue—we were talking about supply—is the grid. The grid is not prepared for this increase in demand. And one of the concerns I have is that the cost of expanding the grid to meet this demand is going to be gigantic. And we have to be sure that the expansion of the grid is done in a cost-effective way, and that's where FERC comes in, and that's where what I call GETs—grid-enhancing technologies—come in.

Ms. Swett, talk to me about utilizing grid-enhancing technologies as opposed to simply building in the old way and adding this cost to the consumers.

Ms. SWETT. Thank you for the question, Senator.

I fully share your sentiment that we should be maximizing the resources that we already have, including the existing grid. And as someone who has represented transmission owners in the past, I understand the technology behind that and the potential benefits that can be realized from GETs, so—

Senator KING. But you also understand, if you have done that kind of representation, that the incentive to the transmission owner is to build, not do the low-cost, no-cost improvements. And

therefore, I think FERC has to think about how do we incentivize the adoption of these technologies, because letting the market play as it normally would, the transmission owner has the incentive to actually build rather than make the grid more efficient. So I hope you will bear that in mind.

Ms. SWETT. Thank you, Senator. Yes, I understand that transmission incentives have been heavily litigated at FERC, and FERC has been facing those very difficult issues for many years. And I commit to you that I will take a hard look at any of those related matters if they come before me, if I am confirmed.

Senator KING. My time is expired, but very quickly, just, I hope you both, assuming you are confirmed, and that's up to the Committee and the Senate, take a serious look at the interconnection queues at the RTOs. That—remember we talked about time. The average wait in many RTOs around the country is five years. And that is unacceptable. And some of the RTOs are now talking about using AI in the analysis, the engineering analysis for interconnection. I think that has got to be part of the solution. Again, time is our enemy here. If we don't meet this demand, we are going to see some very negative consequences.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you so much, Senator King.

Senator CORTEZ MASTO.

Senator CORTEZ MASTO. Thank you.

Ms. Swett, Mr. LaCerte, congratulations on your nomination. Thank you for meeting with me. Welcome to your families. I appreciate you taking the time to answer some of my questions. I want to do some follow-up today on those questions for the record as well.

We have been talking about a lot of the independence, and the importance of the independence of FERC, and you both admitted to that when we were talking—the importance of that independence. But I want to just confirm my understanding of the law and your understanding of it as well. Currently, the law allows FERC to promulgate significant regulations, correct? The law allows you to do that?

Mr. LACERTE. Yes.

Ms. SWETT. Yes, Senator.

Senator CORTEZ MASTO. And there is a process for doing that, correct?

Mr. LACERTE. Yes.

Ms. SWETT. Yes.

Senator CORTEZ MASTO. Does the current law require review of those regulations by the President of the United States before you go through your process?

Yes or no?

Mr. LACERTE. Senator, I have to defer to the Administrative Procedure Act on that, and I haven't reviewed that in preparation for the hearing for that particular question.

Senator CORTEZ MASTO. Well, I can tell you that APA doesn't allow that. So, you know that.

Ms. Swett, as an attorney, does the law currently in the APA and the rules that you follow for FERC, for regulatory agencies, when you are promulgating rules, there is process to follow, and in that

legal process, does it require review of the President prior to moving forward?

Ms. SWETT. Thank you for the question, Senator.

I am unaware of any law passed by Congress that states that. Senator CORTEZ MASTO. Thank you.

Because that's the crux of this issue, and that's what I want, somebody just to be honest with me in the law. I am an attorney. I read it. I know. I know there is no requirement by the President to review anything that we have set in law for a regulatory agency to do, but that's what he has put in his executive order, and that's my concern. There should be none of that oversight. Under the law, it doesn't exist. You are right, it's going to be before a court, and the court will make a determination, and that may change what we have really codified here in federal statute.

So let me move on. As we have discussed today, manufacturing and data centers are two industries causing a massive surge in electricity demand across the country. In my home State of Nevada, it's experiencing this through new battery manufacturing facilities and data operation centers across the Silver State. We talked about that. In anticipation of this boom, NV Energy has taken innovative steps to utilize grid-enhancing technologies to reconductor lines and bolster the capacity and reliability of existing power lines. From each of your perspectives, do you think the existing grid can be improved and maximized by new technologies to help mitigate some of those costs?

Mr. LaCerte, let me start with you.

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

I fully support maximizing technology as it relates to the grid. And as we continue to innovate, those grid-enhancing technologies will only get more efficient and more effective, so it has to be a continuous process. I do know that FERC, to date, has required an analysis on grid-enhancing technologies through one of their orders, and I fully support a continued analysis and a continued encouragement of their usage as we continue to evolve in these areas and we continue to find new and innovative ways to deliver electricity.

Senator CORTEZ MASTO. Thank you.

Ms. Swett.

Ms. SWETT. Thank you, Senator. I fully share my potential colleague's views on this matter.

Senator CORTEZ MASTO. Thank you.

Let me just also say, and despite recent FERC orders, generation interconnection queues across the country are notoriously backlogged, and this is preventing the connection of new energy resources needed to meet growing power demands on regional grids. In fact, there was a recent report by Lawrence Berkeley National Lab that determined that nearly 2,300 gigawatts of generation and storage capacity was held up in interconnection queues at the end of 2024. So, if confirmed, how do you believe FERC can best fix this backlog and address the growing demand?

Mr. LACERTE. Thank you, Senator. I appreciate that question. And quite frankly, there is too long of a line for almost everything, the interconnection queue being one of them. I know this is a multi-faceted issue, and I do know that it's a discussion that will

have to be had with RTOs. So I welcome their perspective on this issue, if I am confirmed. We will have to work together as partners amongst the states, the RTOs, and the ISOs to come up with solutions to that issue and a number of other issues which, quite frankly, take too long, sap the work of the FERC career staff, and make it too hard for those that want to invest in our infrastructure to do so.

So it's important. It's a bipartisan issue, I believe. And we need to come forward to find solutions for not only the interconnection queue, but the long list and long wait times to do business across the board.

Senator CORTEZ MASTO. Yes. Ms. Swett, anything else to add?

Ms. SWETT. Thank you for the question, Senator.

The interconnection queue, I personally know, has been something that FERC has been wrangling with for many years, and many staff were devoted to issuing FERC's recent rulemakings related to that. And given that it is under appeal in several federal courts, I don't want to prejudge where it would come out. However, if I had the honor of being confirmed, I would certainly work very hard with my colleagues to see what FERC can do to solve that problem.

Senator CORTEZ MASTO. Thank you.

My time is up. Thank you, both.

Mr. LACERTE. Thank you.

The CHAIRMAN. We will turn now to Senator Daines, who just paid me a profound compliment noting my uncanny resemblance to Mr. LaCerte, which is a huge compliment to me and a put down to Mr. LaCerte. You know, 20 years ago you had a lot of the women in the country getting their Rachel haircut, and now, we are all getting the LaCerte.

Senator Daines.

Senator DAINES. If the Chairman would put away his razor for about a month, I think we would have a real uncanny resemblance there. So thank you, Chairman Lee, as well as Ranking Member Heinrich.

I want to first congratulate the nominees today, and I want to invite you both to come out to Montana to see the issues that we are talking about here today. We are rich in energy resources in Montana, which we are very grateful for.

FERC's mission, as stated on their website, is, and I quote, "to assist consumers in obtaining reliable, safe, secure, and economically efficient energy." FERC is not and should not be a climate regulator. FERC is and should remain an independent body that focuses on safety and economics and stays true to the mission.

My first question is for both Ms. Swett and Mr. LaCerte, and it has been the same for many of the FERC nominees that have come before this Committee over the past several years. It's a yes or no question. Do you agree that FERC's primary mission is to be an economic and safety regulator?

I will start with Ms. Swett.

Ms. SWETT. Thank you for the question, Senator.

Yes, I absolutely agree that FERC is an economic regulator, primarily.

Senator DAINES. Mr. LaCerte.

Mr. LACERTE. Yes, Senator.

Senator DAINES. Will you commit to review each decision that comes before you at the Commission fairly, impartially, and through the lens of providing affordable, reliable, and safe energy?

Ms. Swett.

Ms. SWETT. Yes, Senator, I make that commitment wholeheartedly.

Senator DAINES. Mr. LaCerte.

Mr. LACERTE. Yes, Senator, absolutely.

Senator DAINES. Thank you.

I want to pivot and talk a bit about hydropower permitting reform. Hydropower provides the second largest share of electricity generation in Montana. It's a wonderful source of renewable energy and baseload power and very affordable and reliable power. Many of the existing dams are currently undergoing relicensing. Unfortunately, the existing process is broken, and it can take nearly a decade—a decade—to relicense a hydropower dam that has been operating for four decades. I have worked long and hard in a very bipartisan way in this Committee to make changes to that process. This includes modest changes to speed up the process, and focus it on the actual effects of the project moving forward instead of a wish list of mandatory conditions from agencies and outside stakeholders.

A question for Ms. Swett and Mr. LaCerte. Do you agree that we need to speed up licensing and relicensing for hydropower in order to continue to grow and maintain renewable baseload sources?

Ms. SWETT. Thank you for the question, Senator.

Given the unprecedented demand that we are facing, getting every single molecule of electricity on the grid is of paramount importance, and that includes hydro, and the wonderful resource it is, particularly for your state. And I understand that these hydro license owners are facing diminishing resources and it is very difficult for them, in general, to operate in many cases. And I am committed to doing whatever I can, if I have the honor of being confirmed, to taking a hard look at FERC's piece of the relicensing process, although I understand there are many players there, as you mentioned—states and several federal agencies. So, within the powers that Congress grants the agency, I commit to you that I will take a hard look at it, if I am confirmed, with my colleagues to see what we can do to be more efficient for your license owners.

Senator DAINES. Thank you.

Mr. LaCerte.

Mr. LACERTE. Senator, thank you.

I first want to acknowledge that hydro is an important component of our energy mix, and we need to do a better job of not only reforming the licensing for hydro, but across the board. It takes too long to do business with our government. It takes too long to invest in our infrastructure. And we need to do a better job everywhere, and first, and also I want to confirm for the record here that I accept your invitation to come to Montana.

Senator DAINES. All right, thank you. It could involve a fly rod, speaking of hydropower.

Mr. LACERTE. I will do whatever it takes, Senator.

Senator DAINES. All right, thank you.

Well, thank you. And let me just close with this brief statement. And Ms. Swett, you just mentioned the demands and needs that we have going forward here in terms of energy in our country. If we are going to meet demand, we simply need more of virtually every energy source. We simply need to be building more, which includes permitting more and trying to accelerate getting, as you said, more of these electrons on the grid—more natural gas, more coal, more hydropower, more nuclear, more geothermal, more wind, more solar. We need more electrons.

I encourage the nominees to keep that in the back—and I might argue the front—of your minds when you are making decisions on the future of U.S. energy policy. So thank you for being before this Committee today and for your willingness to serve in these very important roles for our great country.

The CHAIRMAN. Thanks, Senator Daines.

Senator Padilla.

Senator PADILLA. Thank you, Mr. Chair, and again, welcome to both of the nominees. I appreciate the opportunity to raise some questions and issues with you.

First, as we all know, FERC is critically important. It serves as a central regulator for America's interstate energy system, shaping everything from grid reliability to our monthly bills, as well as the pace of project deployment. And all this work is made possible not just by the Commissioners but by the professional staff. So my first question for both of you is a yes or no question. Do you agree that the FERC staff is critical to the operations and success of FERC?

Ms. Swett.

Ms. SWETT. Yes, Senator, thank you for the question. I absolutely agree with that premise.

Senator PADILLA. Mr. LaCerte.

Mr. LACERTE. Yes, Senator, FERC will not be successful without the outstanding career staff that are there.

Senator PADILLA. I very much appreciate your answers, and the reason I lead with that is because, as I imagine you are aware, in February of this year, President Trump issued an executive order requiring that agency heads undertake preparations to initiate large-scale reductions in force at their respective agencies. So, given your acknowledgement that the staff at FERC is critical to its mission success, will you commit to protecting FERC staff from directed reductions in force, whether they come from the President, whether they come from DOGE, or anybody else at the White House?

Mr. LaCerte.

Mr. LACERTE. Thank you for the question. I don't foresee a large-scale reduction in force at FERC. The mission of FERC is directly in line with the President's management agenda, and I don't foresee anyone asking that of FERC.

Senator PADILLA. Ms. Swett.

Ms. SWETT. Thank you for the question, Senator. As someone who worked alongside FERC staff myself, I know how hard they work, how mission-driven they are, how technically strong and legally strong they are, and the value of each employee there.

Senator PADILLA. Okay, I'm not getting a clear "yes, I'm going to go to bat for the professional staff," and you may not foresee a di-

rected reduction in staff, but we have seen it across the administration for months and months and months now, so yes or no, are you going to go to bat for maintaining staffing levels?

Mr. LACERTE. Yes.

Senator PADILLA. Yes or no, Ms. Swett?

Ms. SWETT. Yes, Senator.

Senator PADILLA. Thank you very much.

The second area—I wanted to just echo a concern that Senator Heinrich has raised a couple of times, and Senator King, for that matter, respecting the independence of FERC and how critical that independence is for the job that it does.

Ms. Swett, I am satisfied with the answer you have given earlier, but Mr. LaCerte, you kind of gave a little bit of a caveat, referencing the Supreme Court and whether they would change anything in terms of the President's ability to hire or fire commissioners. What is your commitment to maintaining the independence of FERC regardless of the outcome of any case against the Supreme Court?

Mr. LACERTE. Senator, I will do the utmost of my ability under the law to maintain the independence of FERC, 100 percent.

Senator PADILLA. Okay, because I just can't imagine, and again, this is not hypothetical—we have seen the President threaten it and actually follow up on those threats in agency after agency, both those directly under his jurisdiction and authorities, and many of those that are not. So that is a significant concern.

The last area I do want to bring up is transmission and generation. Obviously, it's critical for fulfilling our growing needs as a country and as an economy. What we have seen since last Congress is continued delays and consistent projections of load growth as well as increasing energy cost. That's the data before us at this moment. So, what specific steps should FERC take to accelerate the interconnection queue processing, particularly for transmission-level projects. I know Senator Cortez Masto raised this, but I want to be more specific and precise here. Specific proposals or ideas?

Mr. LACERTE. Thank you, Senator.

First, I would like to acknowledge that we need more transmission. That's beyond debate. I think that to meet the coming needs, I have seen some of the growth projections and I have seen some of the need projections, and I certainly understand where you are coming from on that. So transmission is going to be part and parcel to maintaining that growth and sustaining that growth over the long term, but it's important to note also that we need to do so while protecting the ratepayers. It needs to be an important balance. As I noted in my opening, that needs to be done decision by decision and brick by brick. That's the way policy is implemented at FERC, and that is my commitment to you, if I am confirmed.

Senator PADILLA. So one follow-up comment and one follow-up question to that, and then, of course, Ms. Swett, I will ask you to chime in.

One, there are proposals being kicked around, particularly as we have gone through our permitting reform negotiations here at this committee level—standardized timelines and penalties for transmission owners who fail to meet those deadlines is certainly one balanced carrot-and-stick approach to move the ball forward, but

the follow-up question, and my final question at this moment is, do you commit to doing that job and meeting those objectives regardless of resource type if we are in such need of additional energy on the grid? I know this administration is a big fan of fossil fuels, but electrons are electrons, whether they are natural gas plants that are generating that electricity or whether it is geothermal generating the electricity. We have talked about hydro in this hearing. I want an equal commitment to solar projects, to wind projects, whether it's onshore or offshore.

Yes or no, Mr. LaCerte and Ms. Swett?

Mr. LACERTE. Thank you, Senator.

The Federal Power Act requires that a FERC Commissioner be neutral in such a thing, so I am going to follow the law and I am going to maintain that neutrality.

Senator PADILLA. Thank you.

Ms. Swett.

Ms. SWETT. Thank you for the question, Senator. I echo my colleague's sentiments here that FERC cannot unduly discriminate against any type of generation.

Senator PADILLA. Thank you very much.

Thank you, Mr. Chair.

The CHAIRMAN. We will now turn to the former Governor of North Dakota and North Dakota's current Senior Senator, Senator John Hoeven.

Senator HOEVEN. Thank you, Mr. Chair, and thanks to both of you for being here, I appreciate it very much.

The first question I have for both of you is that coal provides an incredible amount of the baseload power generation in the country. Certainly, in our area, for example, North Dakota, two of our regional grid operators, MISO and SPP both get a lot of their baseload from coal-fired electric plants we have in our state. And we have got to have more baseload for the stability of the grid writ large. So, if confirmed—and I will start with you, Ms. Swett and then Mr. LaCerte—if confirmed, how would you approach the challenge of new demand growth, recognizing that we need baseload for the stability of the grid to have that available 24/7?

Ms. SWETT. Thank you for your question, Senator, and I really appreciated the time to meet with you yesterday.

Senator HOEVEN. Thank you.

Ms. SWETT. If I have the honor of being confirmed, then I believe that ensuring that the FERC jurisdictional markets are sending accurate price signals will value all types of generation, including the value of baseload. If we can do whatever FERC can in its jurisdiction to ensure that those markets are well functioning, then I am committed to that goal, if I am confirmed.

Senator HOEVEN. Well, I agree with that, and you have to send the right market signals. Do you have thoughts on how you do that? In other words, if you take two projects, and one is just continuing to add intermittent energy to the grid, which is creating less stability versus adding more baseload and you give them the exact same pricing signal, then you're not getting the more baseload that we need. So, do you have some thoughts on how to do that?

Ms. SWETT. Yes, Senator, I do have thoughts after working on this for the Chairman, who I served under during my time at FERC. Every market is struggling with different resource adequacy issues and also trying to integrate the states' decisions that are in those markets on their generation mix and their portfolios, which is fully within their jurisdiction under the law. And so, the best thing that FERC can do is take all of the inputs that it gets from those states and their generation choices and every generator before it and the rates that it is considering to ensure that just and reasonable rates are achieved for the American people under the Federal Power Act.

Senator HOEVEN. Okay, thank you.

Mr. LaCerte.

Mr. LACERTE. Thank you, Senator. I enjoyed our conversation in your office this week.

Senator HOEVEN. Appreciate it.

Mr. LACERTE. You know, it's important that we note that coal is a vital component of our energy mix and the value that it gives to baseload power. And I have seen the studies. I have seen the supply and demand coming out of some of the RTOs, and we are going to need more reliable baseload power moving forward, and coal certainly plays an important component in that mix, absolutely.

Senator HOEVEN. Yeah, and in fact, as far as developing more—and in our state, we have it all. I mean, we have biofuels, we have wind, we have solar, we have a lot of oil and gas, we have coal. We have it all. We do it all. I mean, we don't just say all-of-the-above, we actually do it, okay, and you know, the different forms of power have their role. But even to put more intermittent on, we are going to have to have more baseload or it doesn't work, right? Would you agree with that?

Mr. LACERTE. Absolutely.

Senator HOEVEN. Yeah.

Talk, each of you, a little bit, and again, to follow up our conversation, the other challenge we have is, as we are moving energy to market—and we see that because we are in North Dakota—we move a lot of energy to, like, a 12-state region. So, transmission lines, pipelines, all those kinds of things, how do we build those projects, but at the same time, make sure that we protect states' rights and property rights? How do we, you know, what are your ideas in that regard?

And Ms. Swett, we will start with you again.

Ms. SWETT. Thank you for the question, Senator.

I agree that building big transmission projects is essential to our reliability as a nation, and I am committed to doing whatever FERC can to ensure that its part encourages infrastructure development. That said, also, if I am confirmed, I will faithfully execute the laws as passed by Congress, and FERC does not have siting authority over transmission. It only has a very small portion of the law for eminent domain within a DOE-designated corridor. And so, whatever the guidance of Congress is on that matter, I will faithfully execute, if the law is changed as well.

Senator HOEVEN. But certainly, sensitive to protecting private property rights?

Ms. SWETT. Yes, absolutely, Senator. I am very aware that landowner rights are—they are very important, very personal, and I would take a hard look at them in any matter before me, if I am confirmed.

Senator HOEVEN. Thank you.

Mr. LaCerte.

Mr. LACERTE. Senator, thank you, I appreciate that question. You know, as a former state cabinet secretary, I certainly appreciate the value of states' rights, and you know, the lack of federal encroachment upon those rights. It's important to me. I know we discussed that in your office the other day. You know, it's important also to note, as a South Louisianan, you know, it's important that we take into account landowners' rights when we are permitting and we are planning our pipelines and our transmission. And I think, you know, it's definitely an important factor within those particular realms.

Senator HOEVEN. Yes. Again, thanks to both of you, appreciate it very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Hoeven.

We will turn next to Senator Gallego.

Senator GALLEGO. Thank you, Chairman Lee and Ranking Member Heinrich, and thank you to our witnesses for your attendance today.

Energy affordability and reliability is extremely important in Arizona, particularly, of course, to stay cool. Arizonans have to shell out an extra \$100 compared to their winter electric bills per month, which is the highest additional cost anywhere in this country. In addition, we do have growth of data warehouses, as well as great chip manufacturing. So, as the load growth demand rises, Arizonans deserve federal leaders that will ensure that their energy cost does not get more expensive, and of course, dangerously less reliable.

I first want to echo some of the concerns of my colleagues around FERC's independence—some of that, I think, we have been wary to see, not just with FERC, but other independent committees that have slowly, slowly, I think, been crept into by this administration, so I want to make sure that you continue to do that.

Mr. LaCerte, especially in Arizona summers, our energy grid faces very, very high demand. In 2023, a study was actually done that a multi-day blackout, which has happened in other states, could cause nearly half the city to require emergency department care and could potentially kill thousands of Arizonans and Phoenixians. And we are certainly not the only state that is dealing with extreme heat and other weather disasters. How will you partner with public utility regulators to identify and respond to emerging reliability challenges across the country?

Mr. LACERTE. Thank you, Senator. I first want to note, thank you for your service. You know, my grandfather is buried in the Veterans' Cemetery in Chandler, Arizona.

Senator GALLEGO. Oh, excellent.

Mr. LACERTE. I wanted to note that and thank you for that, but you are absolutely correct, the impact of reliability on our systems is one of public health. It's important to note, especially in your

home State of Arizona, air conditioning isn't just a nicety, it's a necessity. I certainly understand that. And it just goes back to one of my earlier comments, which is that we need to return FERC's decision-making to where every question we need to ask is, will this decision make our grid more reliable and more resilient and will it make the grid more affordable? And if the answer to that is no, then we should question why we are doing it. I think we need to pare back down to the baseline statute within the Federal Power Act. We need to have that be our guiding light, our home base, in everything that we do within FERC.

Senator GALLEGO. Ms. Swett.

Ms. SWETT. Thank you for the question, Senator.

I, given my time at FERC, understand that the Western Interconnection is both geographically and scientifically different, has different components. Your load centers in the West are further apart. The bulk power grid also has issues that the Eastern Interconnection doesn't have. And all of those factors would be components that are required by a sitting FERC Commissioner's analysis of what would be a just and reasonable rate in the matters before them. So, if I am confirmed, then I will honor the law and look at every single fact as it pertains to your state and of course every other state.

Senator GALLEGO. One of the areas that is very important in Arizona—we have 22 federally recognized tribes, some of the largest representation in the country. They are fairly far displaced—hard to get to, in terms of energy and connection for those tribes, which creates problems when it comes to economic growth and when it comes to even any type of general welfare. And so, one of the things that FERC's website talks about is the agency's commitment to engaging with tribes and upholding the trust responsibility in the decision-making process. And you will see that some of these tribal governments want to work with FERC or with other government agencies, but sometimes they're not treated with the respect that they are due through the trust responsibility. And so, as the agency regulates—intermission and transmission and gas projects, first decisions to impact tribal energy and affordability and reliability will certainly matter to them.

So, will you commit to maintaining FERC's tribal liaison and gas tribal coordinator roles? And why that matters for Arizonans is because if you see some of the routes where we can bring in new pipelines, and new lines in general, it's going to have to cross through a lot of tribal lands. And it's easier if you are working with them ahead of time and through tribal consultation in a more of a dedicated manner than not.

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

I agree that we could do a better job of working with our partners. That includes state public service commissions. That includes RTOs. That includes Indian tribes. The Native American tribes are an important component of our partnerships. And you made mention, you know, you need to work with these leaders in order to develop strategies and solutions that work, and you need to do that over a longer term. You know, I, myself, am from South Louisiana. I grew up adjacent to the Pointe-au-Chien Indian tribe. I dealt with

the Houma tribe, the Choctaws, and I am very familiar from my background in Louisiana working with tribal leaders.

I think that importance is known across the Federal Government, but especially within FERC itself.

Senator GALLEGRO. And more specifically, I am asking, are you maintaining the tribal liaison positions for both of you? It's just a yes or no.

Mr. LACERTE. I am not seated yet. I am not familiar with the tribal liaison seating, but I certainly support the mission.

Senator GALLEGRO. Ms. Swett.

Ms. SWETT. Thank you for the question, Senator. I agree with the premise that every voice must be heard, and FERC's statutory role under NEPA is to consider everything on the record, and that includes tribal voices if they are filed in a project record that is before FERC. So, I commit to you that I would take a hard look at all of that information, and given that, like my colleague, I am not seated at FERC right now, I am not familiar with what the program is regarding tribal liaisons, but I will absolutely take a hard look at that, if I am confirmed.

Senator GALLEGRO. Thank you. I yield back.

Senator KING. Mr. Chairman.

The CHAIRMAN. Yes, go ahead, Senator King.

Senator KING. Just one quick follow-up on the technology we haven't talked about, which is batteries. And there is a discussion about baseload power, and, of course, renewables plus batteries is baseload, but batteries can also have an important role to play in transmission.

Ms. Swett, can you discuss that, in stabilizing the grid?

Ms. SWETT. Thank you for the question, Senator.

I have not looked into the battery engineering components as they relate to the grid, but I would absolutely be open to any type of technology that would stabilize or enhance our existing grid, if I had the honor of being confirmed.

Senator KING. Mr. LaCerte, thoughts on batteries?

Mr. LACERTE. Thank you, Senator. I agree in premise that batteries could be an important component of increasing the reliability of baseload. I think as our technologies evolve, those batteries will become more and more efficient and effective, and I think it definitely warrants continued monitoring and usage, and is something that should be reviewed by FERC.

Senator KING. Yeah, the development is occurring very rapidly in terms of the technology, the cost, and the availability that batteries can provide in order to buffer, whether it's renewables or any other problems that may be encountered on the grid. So, I hope that's something you will have in the back of your mind in terms of your regulatory authority. Batteries, I believe, are going to become a much bigger part of the grid than they are today, and that's going to be happening fast. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Hickenlooper.

Senator HICKENLOOPER. Thank you, Mr. Chair. Thanks to both of you for being willing to subject yourselves to the questions and for your public service.

Ms. Swett, let me start with you. And as we discussed yesterday, thank you both for spending some time and being willing to answer any question, which I appreciate. As we discussed, Ms. Swett, your experience focuses really on oil and gas. And as you know, FERC's authority goes well beyond oil and gas, as we discussed to a certain extent. As I'm sure you could feel from the direction of my questions yesterday, regional transmission planning and cost allocation electricity markets are essential to some of its most fundamental statutory responsibility. And as we talked about—the reliability and the affordability, I think, are the two bulwarks.

Actually, I can ask both of you this question. Unlike most other places in the world, our grid is regionalized, and it doesn't operate under a unified policy. Therefore, the oversight of FERC is essential. So I guess the question would be, how can you work to ensure the electric reliability and affordability through the regional transmission planning and the—let's just call it the market oversight—the electricity market oversight?

Ms. SWETT. Thank you for the question, Senator, and I really enjoyed the time speaking with you yesterday. I actually spent over half my career working for electric utilities and transmission owners. And given my experience with them, I am very aware of the competing interests that go into regional transmission planning, the decisions on the physical grid, also cost allocation planning, taking into account congestion points and all the science that goes behind it. And FERC has a very difficult role as the federal agency tasked with ensuring that all of that is combined into a just and reasonable rate.

I am confident that if we really put our heads to it, we can figure out a solution that will ensure that American consumers pay a just and reasonable rate, given all of the factors in front of FERC.

Senator HICKENLOOPER. Great.

Mr. LaCerte, do you want to add anything to that?

Mr. LACERTE. Senator, thank you. And I would like to note, that's the trillion-dollar question.

[Laughter.]

Mr. LACERTE. It's one which is not going to be solved here in two minutes, but I can tell you that it's something that requires very intensive discussion with all the stakeholders at the table, and it's a multi-faceted issue, and it's definitely a challenge facing FERC, today and tomorrow.

Senator HICKENLOOPER. Great. I appreciate that.

And Mr. LaCerte, I will stick with you with this question, which we discussed a little bit yesterday, but I thought about it more. You know, interregional transmission helps deliver the lowest-cost energy sources from where they are generated to where electricity is needed, and oftentimes that's reflected in the cost, you know, where it's more valuable. This Committee recently had a whole hearing looking at how do we meet demand in an efficient way, and we heard that transmission is going to be clearly needed to address the AI boom—what's called, for lack of a better term, an AI boom.

So, do you agree that transmission across state lines increases the reliability of the grid? In other words, as we cross state lines, is that one of the basic methods to increase reliability?

Mr. LACERTE. Yeah, I would agree, Senator, that interstate transmission, when properly planned and executed, will increase the reliability.

Senator HICKENLOOPER. Great.

And then, are there reforms, in terms of how do we do that? Again, we touched on this a little bit yesterday. What are the reforms we need to make sure that we do that build-out in the appropriate way?

Mr. LACERTE. Thank you, and I know we spent some time talking about this yesterday in your office. I think we need to make it easier to do business with the Federal Government, and by reducing some of the barriers to entry, by reducing some of the exclusion of the mid and smaller companies that can do business with the company, we are going to invite more investors to the table to invest in our grid, invest in our infrastructure. And that's going to pay dividends in both the reliability and the affordability of our energy systems.

Senator HICKENLOOPER. Right. And is it your sense that we are going to need to expand our transmission capacity in order to address the load growth, given AI and all the other things that are coming?

Mr. LACERTE. Senator, it only makes sense that increased load growth will require increased transmission, yes.

Senator HICKENLOOPER. Yeah, I think that's basic.

Ms. Swett, do you want to add anything to that, either of those?

Ms. SWETT. Thank you for the question, Senator.

As a general premise—and this matter is under litigation in various stages—however, as a general premise, increasing the amount of transmission available increases the geographic availability of new generation to join the grid. As you know, high-population load centers are not good places to build increased generation that we need. And if we have more accessibility across state lines, like you are proposing, then that means that there is more flexibility for generators to use the specific characteristics of the land around them, wherever that may make sense for it to be per the state's decisions.

Senator HICKENLOOPER. Exactly. I could not ask for—we agree.

Anyway, I am out of time, as always. Thank you both, again, for your willingness to serve the country.

Mr. LACERTE. Thank you.

The CHAIRMAN. Okay, as we are wrapping up, I just want to hit a couple things.

First of all, once you are confirmed, assuming you are confirmed, I look forward to working with both of you on prioritizing permitting reform. Senator Barrasso and others have referred to that effort today, and it's a priority. I look forward to working with both of you on that, as FERC has an important role in the permitting process for the areas we have discussed.

I also wanted to clarify, since we have had some discussion surrounding the APA, I want to clarify that while the APA doesn't require presidential reviews on draft rules, there is also nothing in there prohibiting it.

In any event, I want to thank both witnesses, both nominees, Ms. Swett and Mr. LaCerte, for being here, for your families, for the

members who have participated and their cooperation this morning in this hearing.

Questions for the record for the hearing are due by 6:00 p.m. this evening, September 4th.

And on behalf of the Committee, I congratulate both nominees and look forward to working with each of you.

The hearing stands adjourned.

[Whereupon, at 10:58 a.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

**U.S. Senate Committee on Energy and Natural Resources
September 4, 2025 Hearing: The Swett and LaCerte Nominations
Questions for the Record for Ms. Swett**

Questions for the Record Submitted from Ranking Member Heinrich

Question 1: Grid Enhancing Technologies

Secretary of Energy Chris Wright has noted the importance of grid enhancing technologies, or GETs, for relieving grid congestion, specifically referencing dynamic line ratings. A 2024 study by RMI estimates that GETs could save PJM, the nation's largest regional transmission organization, approximately \$500 million.

FERC currently has an ongoing rulemaking proceeding addressing dynamic line ratings. If confirmed, how will you support this rulemaking that could result in hundreds of millions of dollars in savings, and improve congestion, for our nation's regional transmission planners?

Answer: As I stated at the hearing, I support maximizing the existing grid. I recognize the value of Grid Enhancing Technologies, including dynamic line ratings, to optimize the use of the existing grid and provide cost savings for America's consumers. If confirmed, I would work with my colleagues on this rulemaking proceeding.

Question 2: Permitting Reform

Last Congress, this Committee advanced S.4753 to the full Senate, a bipartisan permitting reform bill that, among other things, would have granted FERC backstop transmission siting authority. S.4753 also directed FERC to issue an interregional transmission planning rule.

Do you believe that granting FERC this additional transmission siting authority could streamline the transmission challenges our country currently faces?

How would FERC requiring more interregional transmission planning coordination help ensure grid reliability?

Answer: I respect the traditional primacy of the states in siting transmission facilities. I see benefits in FERC having additional transmission siting authority. If confirmed, I will assist Congress with development of legislation in this area. I believe that more interregional transmission planning will only help in enhancing grid reliability. I commit to work with my colleagues on these issues.

Question 3: Order No. 1920

Order No. 1920 attempts to facilitate long-term regional electric transmission planning and cost allocation. In Order No. 1920, FERC noted that a robust, well-planned transmission system ensures an affordable, reliable supply of electricity.

Given that the initial compliance deadlines are slated to begin later this year, what are your views on the current state of federal transmission policy?

If confirmed, how would you work to implement the long-term regional electric transmission planning requirements while reviewing compliance filings?

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Answer: As you note, compliance filings for Order No. 1920 are due beginning later this year. I recognize the importance of a robust transmission system to ensuring reliable and affordable service to customers. Without prejudging any matter that may come before me, if confirmed, I look forward to working with my colleagues to evaluate these compliance filings.

Question 4: Independence

In your response to questions asked during the hearing, you noted that the Department of Energy Organization Act explicitly provides that DOE will not review any FERC action. The Department of Energy Organization Act also explicitly establishes FERC as an “independent regulatory commission.”

As an attorney, do you believe that the statute codifies FERC’s independence from the White House? If no, please explain what level of independence FERC has from the White House.

Answer: During the hearing, I was referring to DOE Organization Act Section 402(g): *The decision of the Commission involving any function within its jurisdiction, other than action by it on a matter referred to it pursuant to section 404, shall be final agency action within the meaning of section 704 of title 5, United States Code, and shall not be subject to further review by the Secretary or any officer or employee of the Department.*

While the DOE Act itself, which created FERC, does not explicitly mention any entity other than DOE, this does not compromise FERC’s status as an independent agency. I believe that every Commissioner must independently decide each matter before them based upon its specific merits. If confirmed, I will do exactly that, drawing upon my independent knowledge base and opinions formed after litigating FERC law for the past 15 years.

Questions for the Record Submitted from Senator Murkowski

Question 1: Alaska depends on hydropower as a backbone of affordable energy, yet the licensing and relicensing process often costs small utilities millions of dollars and takes years to complete.

- How would you work to scale FERC’s requirements to the size and risk of projects, particularly for remote communities where the alternative is costly diesel?

Answer: Recognizing that the Federal Power Act and other legislation give mandatory authority over aspects of hydropower licensing to state and other federal agencies, I appreciate the challenges facing small hydropower projects and, if I have the honor to be confirmed, would work with my colleagues and Congress to address those challenges.

Question 2: License amendments for upgrades with no additional environmental impact such as adding a turbine or replacing penstocks still face duplicative reviews and long delays.

- What reforms would you support to ensure routine maintenance and low-impact upgrades can move forward quickly?

Answer: I do not at this time have any specific reforms in mind, but if I am confirmed, I would look forward to working with Congress and my colleagues to see what we can do to address this issue.

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Question 3: Alaska utilities have experienced severe consequences from permitting delays, including lost construction seasons, equipment damage, and worker fatalities.

- How will you ensure FERC coordinates more effectively with state and federal agencies to prevent these kinds of outcomes?

Answer: If I have the honor to be confirmed, I will work with my colleagues and Commission staff to ensure that FERC coordinates effectively with its state and federal partners to see what efficiencies may speed up permitting delay.

Question 4: The Alaska Energy Authority has emphasized the urgency of projects like the Dixon Diversion amendment, which would displace 1.5 billion cubic feet of natural gas for Southcentral Alaska. At Bradley Lake, duplicative studies may add years of cost and delay.

- Would you support allowing recent studies to be reused across projects where conditions remain unchanged?

Answer: If I have the honor to be confirmed, I would support using recent studies where conditions have remained unchanged in the circumstances you reference.

Question 5: Alaska is also exploring marine energy opportunities, such as the East Foreland Tidal Energy Project in Cook Inlet.

- How do you see FERC's role in fostering innovation in emerging technologies like marine energy, while maintaining appropriate safeguards?

Answer: It is my understanding that FERC has established a process designed specifically to foster emerging technologies and if I have the honor to be confirmed I would support such efforts.

Questions for the Record from Senator Wyden

Question 1: FERC's credibility depends on its independence. FERC plays a critical, non-partisan role in regulating electric and gas markets across the country to ensure that Americans have access to secure, reliable, and affordable energy. A partisan, politicized FERC could disrupt markets and undermine the stability that American families and businesses rely on. If confirmed as a FERC Commissioner, do you commit to doing everything in your power to ensure that FERC remains independent of Administration influence and continues to operate on a nonpartisan basis?

Answer: If confirmed as a FERC Commissioner, I commit to independently decide every matter before me based on the relevant law and specific facts.

Question 2: FERC's workforce is already stretched thin, and its work is paramount to keep our country's energy systems operating smoothly. Further staff reductions would jeopardize our country's access to secure, reliable, affordable energy. If confirmed as a FERC Commissioner, do you commit to protecting FERC staff from layoffs and/or restructurings?

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Answer: As I have an outside perspective of FERC, I do not want to prematurely judge staffing levels. If confirmed, I will work with my colleagues to evaluate the agency's staffing needs and advocate for whatever is necessary, including hiring if relevant, to best position FERC to serve the American people.

Question 3: The surge in electricity demand from Artificial Intelligence threatens to overwhelm the grid. A 2024 Grid Strategies report projected a likely increase of 128 GW in just 5 years, much of it from data centers. Transmission expansion is one of the only cost-effective ways to meet this demand, but progress is slow. What specific actions would you take as FERC Commissioner to accelerate transmission buildout? What should FERC do to incentivize or require data centers to be flexible in their energy consumption to reduce costs for all consumers and protect grid reliability?

Answer: If confirmed, I look forward to working with my colleagues to consider the Commission's role in accelerating transmission development. The Commission has a number of open proceedings relating to transmission expansion and large loads such as data centers. Without prejudging any of those issues or related issues that I may be called on to address if confirmed, I recognize that transmission development is one of critical importance to the nation's energy, manufacturing, and economic growth imperatives. As such, I will give these matters careful consideration if confirmed. The Commission's role under the Federal Power Act is limited, and so to the extent that the Commission has jurisdiction as to matters involving data centers, I look forward to considering this issue further with my colleagues.

Question 4: Electricity prices jumped nearly 10% between January and May 2025, and are projected to keep increasing. Reconductoring existing transmission lines with advanced conductors is one of the fastest and cheapest ways to add capacity — it often costs less than half of new construction and avoids years of permitting battles. Given FERC's statutory mission to help ensure reliable, affordable electricity for consumers, will you support using FERC's authorities to encourage and enable reconductoring of existing transmission lines with advanced conductors to help keep electricity affordable for American families?

Answer: As I stated at the hearing, I support maximizing the use of the existing grid. Advanced conductors can improve the use of the existing transmission infrastructure thereby increasing access to lower-cost electric supplies.

Questions for the Record from Senator Cantwell

Question 1: Enforcing Anti-Market Manipulation

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

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on the beat have uncovered numerous schemes. To date approving over 130 settlement agreements, assessing nearly \$900 million in civil penalties, and disgorging over \$662 million in illegal profits.

That's why it is imperative the Commission continues to focus on preventing market manipulation. Particularly now when markets are transitioning or under extreme stress, because that means there are more opportunities for fraudsters to rip off ratepayers.

- Do you believe market manipulation and other forms of fraud impact the competitiveness of energy markets and the ability to produce just and reasonable rates?
- If FERC determines that an energy market participant made financial gains based on fraud or manipulating markets, do you believe those gains should be promptly returned to injured parties or consumers?
- Like the CFTC and other independent agencies, do you believe FERC should have the authority to permanently ban entities that have been caught manipulating electricity or natural gas markets from trading in energy markets ever again?

Answer: Yes, market manipulation and all types of fraud threaten the integrity of energy markets and undercut competitive market forces that produce just and reasonable rates.

It is long-standing Commission practice to order disgorgement of unjust profits when it is determined that an entity profited from violation of the law. Without prejudging the facts of any specific case, I generally support disgorgement to ensure that market manipulators will not profit from wrongdoing and that victims can recover losses.

It is important that the Commission's enforcement tools are sufficient to deter and penalize anti-competitive behavior, and I appreciate the concerns about entities who manipulate Commission-jurisdictional markets. If Congress provides the Commission with the authority to ban market manipulators and I am confirmed, I commit to supporting the use of that authority as appropriate.

Question 2: Boosting Transmission Capacity

A lack of transmission capacity has caused lengthy interconnection queues, stalling billions in development of urgently needed new generation capacity. This has resulted in increased electricity costs for consumers and missed opportunities to increase investments in our growing communities.

We are experiencing this first-hand in the state of Washington and Pacific Northwest. Last Spring, the Northwest Power and Conservation Council released a 20-year forecast for power demand in the Pacific Northwest. It found that within the Northwest, electricity demand could double within twenty years. The 2025 forecast by the Pacific Northwest Utilities Conference suggests that by 2030, demand could outpace supply.

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The Pacific Northwest has some of the cheapest and most reliable power in the country, but we now need a lot more of it. Which means we must invest in our grid, diversify our energy supply and deploy new generation and transmission.

I am hearing from local communities about significant delays in the interconnection queue and that overloaded powerlines are impacting their ability to attract economic opportunities.

In the Northwest, Bonneville Power Administration (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 Pacific Northwest?
- What do you think FERC needs to do to encourage or require utilities and other companies to invest in and build out the grid?
- What new technologies and processes could FERC support to reduce delays in building transmission capacity?
- The Big Beautiful Bill is expected to eliminate billions in planned electricity capacity additions in my state, how do you think that will impact that Pacific Northwest economy?

Answer: I understand 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 performs regional transmission planning to identify, evaluate, and select 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, if confirmed, I look forward to working with my colleagues 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.

I agree that sound investment in the transmission grid has the potential to both improve reliability and provide lower electricity costs to consumers. If confirmed, I will work with my colleagues on issues related to technologies or processes that could result in increased transmission.

Question 3: Maintaining FERC Independence

The FERC we know today was created to keep politics out of regulating our nation's energy infrastructure. For close to 50 years, FERC's role as an independent agency has protected taxpayers by working to keep energy markets just and reasonable.

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It has not always been perfect as we saw with the ENRON crisis, but the independence of FERC has helped protect the public interest over political gain.

Today, FERC's statutory independence is being threatened. In February, the President issued an Executive Order asserting more control over independent agencies across the federal government, including FERC, through Office of Management and Budget reviews of agency decisions.

This means OMB and the White House will be putting their political thumbs on the scale on decisions that impact our nation's energy security and prices. Also, OMB would have to review the approximately 1,500 decisions FERC makes per year, which could result in significant delays in projects to increase transmission and reduce prices.

For both reasons, this Executive Order is not in the best of interest of the public and will cost the American public more.

- If confirmed, do you commit to upholding the Department of Energy Organization Act of 1977, which established FERC and gave it independent regulatory authority?

Answer: I intend to uphold the law as written.

- Do you believe the Office of Management and Budget and the White House should review or have influence over any FERC decisions?

Answer: Per the Administrative Procedure Act (APA) and the Department of Energy Organization Act, any FERC action must be: (1) supported by a full evidentiary record, (2) voted on by a majority of independent Commissioners, (3) subject to public comment, including an opportunity to seek rehearing before the agency, and (4) subject to appeal in the federal courts. At bottom, these required procedures protect against the potential for undue influence from any source.

- If the President asked you to resign, would you do so?

Answer: I do not anticipate the President asking me to resign. I have formulated my own independent beliefs about energy policy and the organic statutes Congress passed both creating FERC and granting it jurisdiction.

Question 4: Meeting Surging Electricity Demand

It is troubling that this Administration is moving away from an all-of-the-above energy strategy that was proving to be so successful in diversifying our nation's energy mix. This strategy has made wind and solar the cheapest source of new generation and was bringing new power sources, like advanced nuclear and fusion, online.

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- Why do you think that last year wind, solar, and other renewables represented 93 percent of the capacity added to the grid?
- Do you agree with most analysts that renewables, even when paired with energy storage, are still often the cheapest energy resources to deploy?
- Do you think we'll be able to supply our forecasted demand without wind and solar, particularly with the price of gas turbines soaring?
- Given the extent of the demand growth we are anticipating across the country, do you believe new data centers will be able to go online without renewable generation being in the mix?

Answer: Many variables impact the economic viability and relative cost of energy resources. I am committed to ensuring that the nation has a reliable and affordable supply of energy, including the resources necessary to serve recent increases in forecasted demand growth. While states retain authority over generation under the Federal Power Act and state policies largely drive the nation's resource mix, if I have the honor of being confirmed, I will work with my colleagues to ensure that FERC fulfills its statutory mandate to ensure that rates for jurisdictional service are just and reasonable and not unduly discriminatory or preferential and support the Commission's longstanding commitment to resource neutrality.

Question 5. Extreme Weather

With climate change driving more frequent and severe weather events – like hurricanes, wildfires, ice storms, flooding, and heat waves— it is abundantly clear that we need to move quickly to improve reliability and resiliency of our electricity grid.

- Are you aware that over 80% of major outages over the past two decades were attributed to weather events. And that the number of extreme weather caused outages shot up by roughly 78% over the last decade?
- What can you do as a FERC Commissioner to help harden the nation's grid against extreme weather?

Answer: I understand that extreme weather regularly causes power outages. Overall, if confirmed, I would build on Commission efforts to streamline generator interconnection processes and ensure robust transmission planning to ensure a reliable, resilient transmission grid to withstand extreme weather.

In addition, I understand that the Commission has approved several extreme cold weather Reliability Standards proposed by the North American Electric Reliability Corporation (NERC) that require generators to winterize and transmission planners to plan for extreme heat and cold events. If confirmed, I would seek to continue the Commission's work with NERC to monitor

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implementation and consider further efforts to improve winter preparation and generator winterization as ways to minimize the threat of extreme cold weather to grid reliability.

Question 6. Hydropower Relicensing

In Washington state hydro supplies two-thirds of all the electricity used in Washington state. That hydropower is clean, affordable, reliable, and has been the backbone of my state's economy for many decades. Not only that, hydro's ability to provide firm dispatchable power when it's needed most is the key to integrating more intermittent power sources like wind and solar.

As the Commissioners know, FERC leads the licensing and relicensing process for non-federal hydropower facilities.

- Do you agree with the four former Commissioners that the current hydropower licensing process needs reform?
- Are there specific changes to highlight that Congress should consider making to the hydroelectric licensing process?
- Do you think there anything we should pay particular attention to when ensuring that fish passage mitigation remains a core tenant in the licensing process?

Answer: My understanding is that the Federal Power Act requires the Commission to license hydropower projects that have the best plan for using a waterway for not only power generation, but also for fish and wildlife habitat enhancement, irrigation, flood control, water supply, and recreational purposes. The current statute requires the Commission to include license conditions based on recommendations from federal and state fish and wildlife agencies, and to require such fishways as may be prescribed by the Secretaries of Commerce and the Interior. I do not have any specific changes in mind for the current statutes but, if I have the honor to be confirmed, I would work with Congress and my colleagues to understand what reforms are needed for this important infrastructure.

Questions for the Record from Senator Hirono

Question 1: As part of my responsibility as a member of this committee to ensure the fitness of nominees, I ask each nominee to answer two questions:

- a. 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?

Answer: No.

- b. Have you ever faced discipline or entered into a settlement related to this kind of conduct?

Answer: No.

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Question 2: Hawaii does not fall under FERC's jurisdiction over interstate energy transactions, but in 2012, the FERC and the Hawaii Public Utilities Commission signed an agreement to share information on energy issues and regulatory practices. At the time of the agreement, FERC recognized that Hawaii could provide special insight into integrating high levels of renewable energy, demand response, microgrids, and energy storage. FERC's knowledge and resources can be helpful to the state's transition to 100 percent renewable power by 2045. If you are confirmed, will you commit to continuing FERC's information sharing agreement with Hawaii?

Answer: I am informed that the Commission regularly shares information with state counterparts, including the Hawaii Public Utilities Commission, on items of interest. Such information exchange about regulatory experiences and practices importantly supports efficient and effective execution of our respective statutory mandates. If I am confirmed, I would support this continued productive exchange with state partners.

Question 3: Earlier this year, Secretary of Energy Wright picked five people to write a report on greenhouse gas emissions who all had a record of rejecting the established scientific consensus that burning coal, oil, gas is heating the planet. The five climate skeptics produced a report in July that downplays the threat of climate change, a report which the EPA is now citing in its efforts to justify overturning the EPA's greenhouse gas endangerment finding.

Do you believe that FERC should base its decisions on science? If confirmed, will you ensure that FERC relies on unbiased scientific data to inform decisions?

Answer: If I am confirmed, I will consider all record evidence in deciding any matter before me.

What will you do if the President or other federal agencies, such as the Department of Energy, present you with reports relying on biased, cherry-picked data?

Answer: If I am confirmed, I will do everything in my power to ensure that I take a hard look at all record evidence in deciding any matter before me.

Questions for the Record from Senator King

Question 1: FERC currently provides a 0.5% return on equity investment for utilities who participate in their Regional Transmission Organizations (RTOs) or Independent System Operators (ISOs), largely for the purpose of promoting capital investment in transmission infrastructure. In Colorado and Nevada, state law mandates that utilities join their RTO or ISO. In states where participation is legally enforced, should FERC provide an incentive when it is already state mandated?

Answer: My understanding is that the Commission has found, and U.S. Courts of Appeals have upheld, that to qualify for a return on equity adder for participation in an RTO or ISO, a public

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utility's participation must be voluntary under state law. Without prejudging a matter I may be called on to address if confirmed, I will carefully apply the facts and the law in any future proceeding on this issue.

Questions for the Record from Senator Cortez Masto

Question 1: Energy prices are rising across the country, as they are projected to continue climbing in 2026. In fact, recent data from the Department of Energy shows that the nationwide average retail price for electricity is about 7 percent higher than this time last year.

Do you support an all-of-the-above solution to growing energy demand? Why or why not?

Answer: Yes. From a statutory standpoint, the Federal Power Act dictates that FERC may not unduly discriminate against any type of generation. From a policy standpoint, given unprecedented demand and resource issues facing the country, it is more important than ever that every electron is available to the grid.

If confirmed, will you commit to upholding FERC's tech-agnostic and independent approach to electrons?

Answer: Yes, for the above reasons.

Question 2: Recent reports have determined that extreme weather is increasingly becoming a major threat to U.S. grid reliability.

How can FERC better ensure that the U.S. grid is more resilient against the threats of extreme weather?

Are there opportunities for FERC to further coordinate with additional stakeholders or other federal entities to harden the grid?

Answer: I understand that the Commission has approved several extreme cold weather Reliability Standards proposed by the North American Electric Reliability Corporation (NERC) that require generators to winterize and transmission planners to plan for extreme heat and cold events.

If confirmed, I would seek to continue the Commission's work with NERC to monitor implementation and consider further efforts to improve winter preparation and generator winterization as ways to minimize the threat of extreme cold weather to grid reliability. Further, I would build on Commission efforts to streamline interconnection processes and ensure robust transmission planning to ensure sufficient generation and transmission infrastructure to withstand extreme weather.

I do believe that there are opportunities to work with NERC and those in the gas and electric industries as well as state and federal stakeholders to plan for extreme weather, coordinate

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emergency operations, and identify methods to harden the grid. If confirmed, I would pursue such opportunities.

Question 3: FERC is an extremely busy agency with statutory requirements to keep the country's energy systems operating smoothly. FERC already operates on very tight staff margins, and I am concerned that any further staff reductions – like those we have seen at other agencies – could jeopardize our country's access to secure, reliable energy.

If confirmed, will you commit to protecting FERC staff from major layoffs or restructurings?

Answer: From my perspective outside of FERC, I am concerned that after significant attrition, there currently may not be enough staff to execute on the extremely important issues before FERC and that are anticipated on the horizon. If confirmed, I will work with my colleagues to evaluate the agency's staffing needs and advocate for whatever is necessary, including hiring if relevant, to best position FERC to serve the American people.

Question 4: In an effort to root out any manipulative or anticompetitive behavior, FERC's Fiscal Year (FY) 2026 Budget Request continues to prioritize a strong and robust energy market surveillance program.

If confirmed, will you commit to working with this Committee to combat energy market manipulation? In your opinion, does FERC need additional enforcement tools or authorities to deter bad actors?

Answer: Yes. If confirmed, I look forward to working with this Committee and my fellow Commissioners to evaluate and ensure that the Commission has the necessary tools and authorities to keep the energy markets free from market manipulation and anticompetitive conduct.

Question 5: The U.S. power system is experiencing increased incidents of physical attacks and a surge in state-sponsored cyber attacks on critical infrastructure. If confirmed, what are some of the cyber priorities you'd bring to FERC? Are there existing efforts that you support? Or ways FERC can further incorporate public-private partnerships to combat emerging threats?

Answer: Protecting the grid from cyber and physical attacks is one of my highest priorities. As I stated in my testimony, keeping the lights on is a core goal of mine, and that requires staying ahead of emerging technologies and the risks they create. If confirmed, I would continue to support FERC's efforts on these important issues.

FERC's partnership with the North American Electric Reliability Corporation (NERC) in developing and enforcing Critical Infrastructure Protection (CIP) Reliability Standards provides the foundation for this work. These mandatory standards are essential to establishing baseline protections for the bulk power system. Still, I believe the Commission must also go beyond compliance to stay ahead of rapidly evolving threats.

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Question 6: As a FERC Commissioner, what steps would you take to advance public participation and outreach? Are there ways that FERC can be more accessible to the public?

Answer: Participation from stakeholders is important to FERC's mission. If confirmed, I will support public participation in Commission proceedings.

Questions for the Record from Senator Hickenlooper

Question 1: FERC Order 1920-A was recently issued on a bipartisan basis to expand state regulator's role in and reaffirm the requirement for proactive interregional transmission planning to meet load growth. If confirmed, will you continue to support Order 1920 implementation and interregional transmission planning to make sure the grid can reliably serve increasing load?

Answer: If confirmed, I will continue to support reform of interregional transmission coordination processes, to ensure a reliable grid by requiring the nation's transmission providers to plan for needed transmission to serve load.

Question 2: If confirmed as a FERC commissioner, do you intend to coordinate with members of the Trump Administration, outside of FERC, in connection with how you will exercise your judgment and your authority as a FERC commissioner? If so, how and with whom? If not, do you commit to *not* coordinate or discuss your decisions with Administration officials prior to voting at commission meetings?

Answer: If I am confirmed as a FERC Commissioner, while I cannot anticipate what specific hypothetical future conversations will occur with any individual or entity in the scope of my work, I commit to independently decide every matter before me based on my own individual experience as a FERC litigator and the applicable law and specific facts. Furthermore, I take ethical obligations very seriously and would fully comply with all *ex parte* communication regulations relevant to the position.

Question 3: Wholesale electric market competition has been a cornerstone policy of the FERC since a unanimous FERC issued Order 888 in 1996. Competition has been a powerful force for good in the U.S. economy in general. Are you committed to protecting and further competition in the wholesale electric power sector? How will you support such competition?

Answer: The Commission's statutory mandate under the Federal Power Act is to ensure that rates for the interstate transmission and wholesale sales of electricity are just and reasonable and not unduly discriminatory or preferential, and the Commission has found that both market-based and regulatory mechanisms can result in just and reasonable rates. If I have the honor of being confirmed, I will use the Commission's statutory tools and work with my colleagues to ensure that competition in wholesale electricity markets supports the Commission's statutory mission.

Question 4: Do you think FERC has any role to play in requiring coal-fired power plants to continue to operate past planned retirement dates in the United States? If so, what is that role?

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Answer: My understanding is that the Commission has limited authority under the Federal Power Act over the operation of generating facilities. However, if confirmed, I will work with my colleagues within the authority Congress has granted us to ensure that there are sufficient resources to meet system needs.

Question 5: If confirmed, what would you want for your legacy and your signature achievements as a FERC commissioner to have been when you leave the Commission?

Answer: If confirmed, I would want my legacy to be one of safely steering the American people through averting one of the most potentially disastrous demand precipices in American history, while maintaining just and reasonable rates and safeguarding national security and economic prosperity. I also hope to be part of facilitating, with the help of Congress, an infrastructure boom during which we finally solve the severe constraints facing our country and improve the quality of life for future generations.

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Questions for the Record Submitted from Ranking Member Heinrich

Question 1: Grid Enhancing Technologies

Secretary of Energy Chris Wright has noted the importance of grid enhancing technologies, or GETs, for relieving grid congestion, specifically referencing dynamic line ratings. A 2024 study by RMI estimates that GETs could save PJM, the nation's largest regional transmission organization, approximately \$500 million.

FERC currently has an ongoing rulemaking proceeding addressing dynamic line ratings. If confirmed, how will you support this rulemaking that could result in hundreds of millions of dollars in savings, and improve congestion, for our nation's regional transmission planners?

Answer: As I stated at the hearing, it is important to maximize technology as it relates to the grid. Grid Enhancing Technologies, such as dynamic line ratings, can better use the existing transmission system to allow increased access to lower-cost electricity supplies. I commit to work with my colleagues on this rulemaking if I am confirmed.

Question 2: Permitting Reform

Last Congress, this Committee advanced S.4753 to the full Senate, a bipartisan permitting reform bill that, among other things, granted FERC backstop transmission siting authority. S.4753 also directed FERC to issue an interregional transmission planning rule. Do you believe that granting FERC this additional transmission siting authority could streamline the transmission challenges our country currently faces? How would FERC requiring more interregional transmission planning coordination help ensure grid reliability?

Answer: While I have not had the opportunity to examine this question in detail, I believe that granting FERC additional transmission siting authority, while giving due deference to the states, could help with our nation's transmission challenges. If confirmed, I commit to working with my colleagues on this issue.

Question 3: Order No. 1920

Order No. 1920 attempts to facilitate long-term regional electric transmission planning and cost allocation. In Order No. 1920, FERC noted that a robust, well-planned transmission system ensures an affordable, reliable supply of electricity. Given that the initial compliance deadlines are slated to begin later this year, what are your views on the current state of federal transmission policy? If confirmed, how would you work to implement the long-term regional electric transmission planning requirements while reviewing compliance filings?

Answer: It is my understanding that utilities must submit their compliance filings for Order No. 1920 starting later this year. I acknowledge that a robust transmission system is essential to ensuring reliable and affordable service to customers. Without prejudging any matter that may come before me, if confirmed, I will work with my colleagues to consider these filings.

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Questions for the Record Submitted from Senator Murkowski

Question 1: Alaska depends on hydropower as a backbone of affordable energy, yet the licensing and relicensing process often costs small utilities millions of dollars and takes years to complete.

- How would you work to scale FERC's requirements to the size and risk of projects, particularly for remote communities where the alternative is costly diesel?

Answer: I believe that government should do all it can to get out of the way of small business and, if I am honored to be confirmed, I would work to regulate hydropower projects appropriately.

Question 2: License amendments for upgrades with no additional environmental impact such as adding a turbine or replacing penstocks still face duplicative reviews and long delays.

- What reforms would you support to ensure routine maintenance and low-impact upgrades can move forward quickly?

Answer: I agree that necessary upgrades should be accomplished with minimum delay and, if I am honored to be confirmed, I would examine this issue closely.

Question 3: Alaska utilities have experienced severe consequences from permitting delays, including lost construction seasons, equipment damage, and worker fatalities.

- How will you ensure FERC coordinates more effectively with state and federal agencies to prevent these kinds of outcomes?

Answer: I am not familiar in detail with the nature of FERC's coordination with other agencies, but if I am honored to be confirmed, I will work to ensure that FERC's interaction with other agencies is as efficient and effective as possible.

Question 4: The Alaska Energy Authority has emphasized the urgency of projects like the Dixon Diversion amendment, which would displace 1.5 billion cubic feet of natural gas for Southcentral Alaska. At Bradley Lake, duplicative studies may add years of cost and delay.

- Would you support allowing recent studies to be reused across projects where conditions remain unchanged?

Answer: This seems like a reasonable approach, which I would support.

Question 5: Alaska is also exploring marine energy opportunities, such as the East Foreland Tidal Energy Project in Cook Inlet.

- How do you see FERC's role in fostering innovation in emerging technologies like marine energy, while maintaining appropriate safeguards?

Answer: I believe that government should support innovative technologies like those you describe.

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Questions for the Record from Senator Wyden

Question 1: FERC's credibility depends on its independence. FERC plays a critical, non-partisan role in regulating electric and gas markets across the country to ensure that Americans have access to secure, reliable, and affordable energy. A partisan, politicized FERC could disrupt markets and undermine the stability that American families and businesses rely on. If confirmed as a FERC Commissioner, do you commit to doing everything in your power to ensure that FERC remains independent of Administration influence and continues to operate on a nonpartisan basis?

Answer: If confirmed, I commit to follow the laws as written and as ruled upon by the Supreme Court and to always maintain an independent vote and voice as Commissioner.

Question 2: FERC's workforce is already stretched thin, and its work is paramount to keep our country's energy systems operating smoothly. Further staff reductions would jeopardize our country's access to secure, reliable, affordable energy. If confirmed as a FERC Commissioner, do you commit to protecting FERC staff from layoffs and/or restructurings?

Answer: FERC cannot be successful without the dedicated and experienced career staff which serve our nation. While periodic restructurings are a part of any organization, severe reductions in force would impair the mission of FERC. I would advocate against such actions as it may be harmful to the reliability and affordability of our energy systems.

Question 3: The surge in electricity demand from Artificial Intelligence threatens to overwhelm the grid. A 2024 Grid Strategies report projected a likely increase of 128 GW in just 5 years, much of it from data centers. Transmission expansion is one of the only cost-effective ways to meet this demand, but progress is slow. What specific actions would you take as FERC Commissioner to accelerate transmission buildout? What should FERC do to incentivize or require data centers to be flexible in their energy consumption to reduce costs for all consumers and protect grid reliability?

Answer: If confirmed, I look forward to discussing with my colleagues the Commission's role in accelerating transmission expansion. There are proceedings open before the Commission relating to transmission development, as well as large loads such as data centers. Without prejudging any of those issues or related issues that I may be called on to address if confirmed, I understand that transmission expansion is essential to achieving the nation's energy, manufacturing, and economic growth imperatives. I commit to carefully considering these matters if confirmed.

Question 4: Electricity prices jumped nearly 10% between January and May 2025, and are projected to keep increasing. Reconductoring existing transmission lines with advanced conductors is one of the fastest and cheapest ways to add capacity — it often costs less than half of new construction and avoids years of permitting battles. Given FERC's statutory mission to help ensure reliable, affordable electricity for consumers, will you support using FERC's

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authorities to encourage and enable reconductoring of existing transmission lines with advanced conductors to help keep electricity affordable for American families?

Answer: I believe it is important to maximize technology as it relates to the grid. As I noted, FERC has required that transmission providers in certain circumstances consider the use of advanced conductors in their transmission planning and their interconnection studies. If confirmed, I would support the continued encouragement of the use of grid-enhancing technologies.

Questions for the Record from Senator Cantwell

Question 1: Enforcing Anti-Market Manipulation

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 nearly \$900 million in civil penalties, and disgorging over \$662 million in illegal profits.

That's why it is imperative the Commission continues to focus on preventing market manipulation. Particularly now when markets are transitioning or under extreme stress, because that means there are more opportunities for fraudsters to rip off ratepayers.

- Do you believe market manipulation and other forms of fraud impact the competitiveness of energy markets and the ability to produce just and reasonable rates?
- If FERC determines that an energy market participant made financial gains based on fraud or manipulating markets, do you believe those gains should be promptly returned to injured parties or consumers?
- Like the CFTC and other independent agencies, do you believe FERC should have the authority to permanently ban entities that have been caught manipulating electricity or natural gas markets from trading in energy markets ever again?

Answer: As a general matter, yes. Market manipulation and fraud interfere with well-functioning competitive markets. I believe that the Commission should enforce its laws and regulations, including the Commission's authority to provide remedies under the law.

If Congress provides the Commission with additional tools to deter bad actors from manipulating the markets and stop previous offenders from causing repeated harm, I will faithfully implement that legislation.

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Question 2: Boosting Transmission Capacity

A lack of transmission capacity has caused lengthy interconnection queues, stalling billions in development of urgently needed new generation capacity. This has resulted in increased electricity costs for consumers and missed opportunities to increase investments in our growing communities.

We are experiencing this first-hand in the state of Washington and Pacific Northwest. Last Spring, the Northwest Power and Conservation Council released a 20-year forecast for power demand in the Pacific Northwest. It found that within the Northwest, electricity demand could double within twenty years. The 2025 forecast by the Pacific Northwest Utilities Conference suggests that by 2030, demand could outpace supply.

The Pacific Northwest has some of the cheapest and most reliable power in the country, but we now need a lot more of it. Which means we must invest in our grid, diversify our energy supply and deploy new generation and transmission.

I am hearing from local communities about significant delays in the interconnection queue and that overloaded powerlines are impacting their ability to attract economic opportunities.

In the Northwest, Bonneville Power Administration (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 Pacific Northwest?
- What do you think FERC needs to do to encourage or require utilities and other companies to invest in and build out the grid?
- What new technologies and processes could FERC support to reduce delays in building transmission capacity?
- The Big Beautiful Bill is expected to eliminate billions in planned electricity capacity additions in my state, how do you think that will impact that Pacific Northwest economy?

Answer: I understand the Commission's authority with respect to federal power marketing administrations such as BPA is more limited than its authority with over public utilities. If confirmed, I will work with my colleagues 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.

I agree that investment in the transmission grid has the potential to both improve reliability and provide lower electricity costs to consumers and, if confirmed I commit to work with my

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colleagues on issues related to technologies or processes that could result in increased transmission.

Question 3: Maintaining FERC Independence

The FERC we know today was created to keep politics out of regulating our nation's energy infrastructure. For close to 50 years, FERC's role as an independent agency has protected taxpayers by working to keep energy markets just and reasonable.

It has not always been perfect as we saw with the ENRON crisis, but the independence of FERC has helped protect the public interest over political gain.

Today, FERC's statutory independence is being threatened. In February, the President issued an Executive Order asserting more control over independent agencies across the federal government, including FERC, through Office of Management and Budget reviews of agency decisions.

This means OMB and the White House will be putting their political thumbs on the scale on decisions that impact our nation's energy security and prices. Also, OMB would have to review the approximately 1,500 decisions FERC makes per year, which could result in significant delays in projects to increase transmission and reduce prices.

For both reasons, this Executive Order is not in the best of interest of the public and will cost the American public more.

- If confirmed, do you commit to upholding the Department of Energy Organization Act of 1977, which established FERC and gave it independent regulatory authority?
- Do you believe the Office of Management and Budget and the White House should review or have influence over any FERC decisions?
- If the President asked you to resign, would you do so?

Answer: As these items are actively in litigation, I can only commit to following the laws as written by Congress and ruled upon by the Supreme Court.

Question 4: Meeting Surging Electricity Demand

It is troubling that this Administration is moving away from an all-of-the-above energy strategy that was proving to be so successful in diversifying our nation's energy mix. This strategy has made wind and solar the cheapest source of new generation and was bringing new power sources, like advanced nuclear and fusion, online.

- Why do you think that last year wind, solar, and other renewables represented 93 percent of the capacity added to the grid?

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- Do you agree with most analysts that renewables, even when paired with energy storage, are still often the cheapest energy resources to deploy?
- Do you think we'll be able to supply our forecasted demand without wind and solar, particularly with the price of gas turbines soaring?
- Given the extent of the demand growth we are anticipating across the country, do you believe new data centers will be able to go online without renewable generation being in the mix?

Answer: I understand that the financial viability and costliness of energy resources can be influenced by different factors. I will work to maintain a reliable and affordable supply of energy for the nation, including accounting for forecasted demand growth. I understand that the Federal Power Act leaves authority over generation to the states, and that states play a large role in determining the nation's resource mix. If I have the honor of being confirmed, I will work with my colleagues to ensure that FERC fulfills its statutory mandate to ensure that rates for jurisdictional service are just and reasonable and not unduly discriminatory or preferential and to be resource neutral.

Question 5. Extreme Weather

With climate change driving more frequent and severe weather events – like hurricanes, wildfires, ice storms, flooding, and heat waves— it is abundantly clear that we need to move quickly to improve reliability and resiliency of our electricity grid.

- Are you aware that over 80% of major outages over the past two decades were attributed to weather events. And that the number of extreme weather caused outages shot up by roughly 78% over the last decade?
- What can you do as a FERC Commissioner to help harden the nation's grid against extreme weather?

Answer: I am aware that extreme weather regularly causes power outages. If confirmed, I would build on Commission efforts to harden the transmission grid with respect to extreme weather events.

In addition, I understand that the Commission has approved several extreme cold weather Reliability Standards proposed by the North American Electric Reliability Corporation (NERC) that set requirements for transmission planning for extreme heat and cold events and requirements for winterization of generators. If confirmed, I would seek to continue the Commission efforts to monitor implementation and would consider further efforts to improve winter preparation and generator winterization.

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Question 6. Hydropower Relicensing

In Washington state hydro supplies two-thirds of all the electricity used in Washington state. That hydropower is clean, affordable, reliable, and has been the backbone of my state's economy for many decades. Not only that, hydro's ability to provide firm dispatchable power when it's needed most is the key to integrating more intermittent power sources like wind and solar.

As the Commissioners know, FERC leads the licensing and relicensing process for non-federal hydropower facilities.

- Do you agree with the four former Commissioners that the current hydropower licensing process needs reform?
- Are there specific changes to highlight that Congress should consider making to the hydroelectric licensing process?
- Do you think there anything we should pay particular attention to when ensuring that fish passage mitigation remains a core tenant in the licensing process?

Answer: It is my understanding that the Federal Power Act requires FERC, when licensing a hydropower project, to protect fish and wildlife and to adopt fishway prescriptions from the Departments of the Interior and Commerce. I believe that government regulation should be examined and improved as necessary, the hydropower licensing process included. At this time, I do not have any specific changes to suggest, but if I am honored to be confirmed, I would work with Congress and my colleagues to look into this issue.

Questions for the Record from Senator Hirono

Question 1: As part of my responsibility as a member of this committee to ensure the fitness of nominees, I ask each nominee to answer two questions:

- a. 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?
- b. Have you ever faced discipline or entered into a settlement related to this kind of conduct?

Answer: No.

Question 2: Hawaii does not fall under FERC's jurisdiction over interstate energy transactions, but in 2012, the FERC and the Hawaii Public Utilities Commission signed an agreement to share information on energy issues and regulatory practices. At the time of the agreement, FERC recognized that Hawaii could provide special insight into integrating high levels of renewable energy, demand response, microgrids, and energy storage. FERC's knowledge and resources can be helpful to the state's transition to 100 percent renewable power by 2045. If you are confirmed, will you commit to continuing FERC's information sharing agreement with Hawaii?

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Answer: I understand that the Commission shares information with state entities, such as the Hawaii Public Utilities Commission, on items of interest. I believe that those information exchanges support efficient and effective execution of our respective responsibilities. I would support the continuation of these exchanges with state entities if I am confirmed.

Question 3: Earlier this year, Secretary of Energy Wright picked five people to write a report on greenhouse gas emissions who all had a record of rejecting the established scientific consensus that burning coal, oil, gas is heating the planet. The five climate skeptics produced a report in July that downplays the threat of climate change, a report which the EPA is now citing in its efforts to justify overturning the EPA's greenhouse gas endangerment finding.

Do you believe that FERC should base its decisions on science? If confirmed, will you ensure that FERC relies on unbiased scientific data to inform decisions? What will you do if the President or other federal agencies, such as the Department of Energy, present you with reports relying on biased, cherry-picked data?

Answer: I believe that FERC is an economic regulator, and Commissioners should apply the facts to the laws which have been duly passed by Congress in making their decisions.

Questions for the Record from Senator Cortez Masto

Question 1: Energy prices are rising across the country, as they are projected to continue climbing in 2026. In fact, recent data from the Department of Energy shows that the nationwide average retail price for electricity is about 7 percent higher than this time last year.

Do you support an all-of-the-above solution to growing energy demand? Why or why not?

If confirmed, will you commit to upholding FERC's tech-agnostic and independent approach to electrons?

Answer: Yes. A diverse energy mix is an important part of reliability and resiliency based upon the mix of resources available to the states and regions.

Question 2: Recent reports have determined that extreme weather is increasingly becoming a major threat to U.S. grid reliability.

How can FERC better ensure that the U.S. grid is more resilient against the threats of extreme weather?

Are there opportunities for FERC to further coordinate with additional stakeholders or other federal entities to harden the grid?

Answer: I understand that NERC proposed, and the Commission approved, Reliability Standards that require generators to winterize and transmission planners to plan for extreme heat and cold events.

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If confirmed, I would seek to continue the Commission's work with NERC to monitor implementation and consider further efforts to improve winter preparation and generator winterization as ways to minimize the threat of extreme cold weather to grid reliability. Also, I would seek the chance to work with stakeholders, as well as with state regulators and other federal agencies, to identify opportunities to plan for extreme weather, coordinate emergency operations, and to build infrastructure to harden the grid.

Question 3: FERC is an extremely busy agency with statutory requirements to keep the country's energy systems operating smoothly. FERC already operates on very tight staff margins, and I am concerned that any further staff reductions – like those we have seen at other agencies – could jeopardize our country's access to secure, reliable energy.

If confirmed, will you commit to protecting FERC staff from major layoffs or restructurings?

Answer: Periodic restructurings should be a part of the growth and modernization cycle of any organization, but I am committed to protecting FERC and staff from major layoffs which may impair the mission of FERC and harm the reliability of our nation's energy systems.

Question 4: In an effort to root out any manipulative or anticompetitive behavior, FERC's Fiscal Year (FY) 2026 Budget Request continues to prioritize a strong and robust energy market surveillance program.

If confirmed, will you commit to working with this Committee to combat energy market manipulation? In your opinion, does FERC need additional enforcement tools or authorities to deter bad actors?

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

Question 5: The U.S. power system is experiencing increased incidents of physical attacks and a surge in state-sponsored cyber attacks on critical infrastructure.

If confirmed, what are some of the cyber priorities you'd bring to FERC? Are there existing efforts that you support? Or ways FERC can further incorporate public-private partnerships to combat emerging threats?

Answer: I view protecting the grid from cyber and physical attacks as a top priority.

FERC's work with the North American Electric Reliability Corporation in developing and enforcing Critical Infrastructure Protection (CIP) Reliability Standards provides the foundation for work on this important issue. These mandatory standards are essential to establishing baseline protections for the security of the bulk power system. Moreover, the Commission must stay ahead of rapidly evolving threats.

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Question 6: As a FERC Commissioner, what steps would you take to advance public participation and outreach? Are there ways that FERC can be more accessible to the public?

Answer: I recognize the importance of public input in FERC's proceedings and with FERC's mission. If confirmed, I will work with my colleagues on these important matters.

Questions for the Record from Senator Hickenlooper

Question 1: FERC Order 1920-A was recently issued on a bipartisan basis to expand state regulator's role in and reaffirm the requirement for proactive interregional transmission planning to meet load growth. If confirmed, will you continue to support Order 1920 implementation and interregional transmission planning to make sure the grid can reliably serve increasing load?

Answer: Without prejudging any matter that might come before me, if confirmed, I would work closely with my colleagues on the reformed interregional transmission coordination processes.

Question 2: If confirmed as a FERC commissioner, do you intend to coordinate with members of the Trump Administration, outside of FERC, in connection with how you will exercise your judgment and your authority as a FERC commissioner? If so, how and with whom? If not, do you commit to *not* coordinate or discuss your decisions with Administration officials prior to voting at commission meetings?

Answer: If I have the honor of being confirmed, I will follow all legal requirements with respect to communications with people outside of FERC, including FERC's *ex parte* communications rules that are grounded in the Administrative Procedure Act. Subject to those requirements, while I have not identified any parties to seek coordination, FERC would be better served by a stronger intergovernmental relationship across many areas, to include the Executive Branch and the states. This is especially true in cyber and critical infrastructure protection.

Question 3: Wholesale electric market competition has been a cornerstone policy of the FERC since a unanimous FERC issued Order 888 in 1996. Competition has been a powerful force for good in the U.S. economy in general. Are you committed to protecting and further competition in the wholesale electric power sector? How will you support such competition?

Answer: The Commission's statutory mandate under the Federal Power Act is to ensure that rates for the interstate transmission and wholesale sales of electricity are just and reasonable and not unduly discriminatory or preferential. If confirmed, I commit to working with my colleagues to apply this fundamental responsibility, including with respect to competition in wholesale electricity markets.

Question 4: Do you think FERC has any role to play in requiring coal-fired power plants to continue to operate past planned retirement dates in the United States? If so, what is that role?

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Answer: It is my understanding that the Commission's authority over the operation of generating facilities is limited under the Federal Power Act. If confirmed, I commit to working with my colleagues within the authority Congress has granted to the Commission to ensure that there are sufficient resources to meet system needs.

Question 5: If confirmed, what would you want for your legacy and your signature achievements as a FERC commissioner to have been when you leave the Commission?

Answer: Meeting the growing energy demands of tomorrow is a generational challenge which needs to be tackled immediately. I look forward to meeting this challenge, along with my colleagues and stakeholder partners, if confirmed.

September 3, 2025

The Honorable Mike Lee
Chairman
Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Martin Heinrich
Ranking Member
Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Lee and Ranking Member Heinrich,

On behalf of the organizations representing industries, companies, and individuals who depend on legally durable and timely regulatory decisions relating to energy infrastructure and markets, we write to urge the Senate Committee on Energy and Natural Resources to swiftly approve the Federal Energy Regulatory Commission (FERC or Commission) nominees to fill current vacancies.

The Commission plays a critical role in making certain that energy – from electricity, natural gas, and oil – is secure, reliable, and affordable. To fulfill this role, FERC must advance projects that modernize and expand America’s energy infrastructure, spur economic growth, and ensure reliability and affordability.

Congress tasked FERC with regulating the siting, construction and operation of liquified natural gas (LNG) terminals, interstate natural gas pipelines and storage facilities as well as natural gas transmission in interstate commerce. The Commission is also tasked with licensing and oversight of non-federal hydropower. In addition, FERC has crucial responsibilities in licensing and regulating electric transmission and wholesale sales of electricity and transmission. The Commission’s statutory responsibilities – and the projects, jobs and reliability improvements they support – have profound implications for the nation’s energy consumers and economy. FERC best fulfills these duties when it has a full complement of five commissioners, who are committed to evaluating applicant proposals on their merits in a timely manner, in accordance with federal law and established Commission precedent.

At present, FERC is operating with three commissioners, the minimum to sustain a quorum. A loss of quorum would eliminate the agency’s ability to approve construction of new LNG terminals and natural gas pipelines, issue new and original licenses for non-federal hydropower, and assess major electricity market rule changes proposed by the nation’s regional grid operators or perform other key functions. The loss of these functions in turn would delay needed reforms benefiting electricity customers as well as freeze the economic growth spurred by energy infrastructure development through wages paid to local workers, expenditures at small businesses, and lower costs for families.

Therefore, it is critical that the Senate Energy and Natural Resources Committee favorably report the nominations to the Commission with bipartisan support so that the Senate may confirm them, fill the vacant seats, and return FERC to full complement.

We look forward to working with you on efforts to ensure an efficient, secure, and resilient energy system.

Sincerely,

American Cement Association
American Chemistry Council
American Clean Power Association
American Council of Engineering Companies
American Exploration & Production Council
American Petroleum Institute
Distribution Contractors Association
Energy Equipment & Infrastructure Alliance
Energy Infrastructure Council
GPA Midstream Association
Independent Petroleum Association of America
Industrial Energy Consumers of America
Interstate Natural Gas Association of America
Liquid Energy Pipeline Association
National Association of Manufacturers
National Hydropower Association
Natural Gas Supply Association
Pennsylvania Utilities Contractors Association
Plastics Pipe Institute



September 3, 2025

The Honorable Shelley Moore Capito
Chairwoman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Mike Lee
Chairman
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Sheldon Whitehouse
Ranking Member
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Martin Heinrich
Ranking Member
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairwoman Capito, Chairman Lee and Ranking Members Whitehouse and Heinrich,

On behalf of the companies who produce, transport and deliver natural gas across the nation, the Natural Gas Council writes to urge you to advance policies that would restore predictability to the permitting of essential natural gas infrastructure projects.

Permitting reforms for our energy infrastructure networks are crucial to meeting our reliability, affordability, and climate goals. More than 189 million Americans and nearly six million businesses use natural gas because it is safe, affordable, reliable and essential to improving our environment. Our nation's natural gas industry is the fundamental underpinning of a growing U.S. economy, adding an additional customer every minute daily, and approximately 60 businesses begin new natural gas service every day. Moreover, U.S. electricity demand is projected to rise due to increased demand from various sectors and because of the re-shoring of manufacturing, and an expansion of AI and data centers.

The Energy Information Administration's (EIA) recent [Annual Energy Outlook](#) estimates that by 2050 American electricity net generation will rise by more than 45 percent, and natural gas consumption is [projected](#) to exceed the already record levels in 2024 over the next two years. While employing approximately four million individuals and supporting an additional 1.1 million jobs, the natural gas sector provides households and businesses with additional disposable income from lower energy costs. The flexibility and storage of natural gas has been key to expanding renewable energy to minimize the risk of energy supply disruptions during times of intermittent load while lowering greenhouse gas emissions.

Unfortunately, current federal permitting processes for new and existing energy infrastructure remain cumbersome, often stalling projects for years with duplicative reviews, burdensome approvals, and unending legal challenges. The Fiscal Responsibility Act was an important first step towards addressing these issues, but the United States needs additional substantive reforms to unlock the benefits of expanded energy infrastructure for Americans. Importantly, Congress can make targeted reforms to the Clean Water Act (CWA) and the National Environmental Policy Act (NEPA) that establish reasonable agency permitting decisions and judicial review for natural gas infrastructure, while promoting stakeholder engagement and maintaining the United States' strong environmental protections.

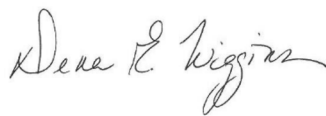
To address these problems, Congress must reform the CWA Section 401 certification process to promote efficiency, properly scope state reviews and conditioning of permits, eliminate inconsistent results across agencies, and ensure that agencies use the process only to protect water quality, not pursue unrelated goals. Congress should also continue the availability of the Nationwide Permit (NWP) program for the construction of new natural gas infrastructure projects and the maintenance of existing infrastructure to ensure safety and reliability.

In addition, Congress should eliminate unnecessarily protracted NEPA reviews by clarifying agencies should only analyze reasonably foreseeable environmental effects causally related to the proposed project, focusing analyses on feasible alternatives and establishing review schedules. While the recent *Seven County Infrastructure Coalition vs. Eagle County, Colorado* Supreme Court decision helped to clarify and limit the scope of NEPA reviews, it remains important for Congress to codify the Court's core holdings in statute for consistency across agencies. Statutory changes would provide the long-term regulatory certainty needed for natural gas infrastructure investment.

Finally, Congress should take action to implement meaningful judicial reform, including specific timelines for judicial review, to prevent critical energy infrastructure projects from getting bogged down in litigation for years. This much needed reform will drive economic progress for our nation, homeowners and businesses alike, and help ensure Americans have access to the reliable energy they want, need and expect.

To ensure a reliable, affordable, and sustainable future, the United States needs meaningful and durable statutory permitting reforms for natural gas infrastructure. We are encouraged by the ongoing discussions on this important matter and hope you will act quickly to address our country's critical energy infrastructure needs. The Natural Gas Council and the companies we represent stand ready to work in a bipartisan manner to help enact policies to achieve this central objective.

Sincerely,



Dena Wiggins
President & CEO
Natural Gas Supply Association



Dustin Meyer
Senior Vice President
American Petroleum Institute



Amy Andryszak
President & CEO
Interstate Natural Gas Association of America



Karen Harbert
President & CEO
American Gas Association



Jeff Eshelman
President & CEO
Independent Petroleum Association of America



To: Senate Energy and Natural Resources Committee

From: Jasmine Jennings-Eller, *Senior Legislative Counsel* and Auburn Bell, *Legislative Representative*

Subject: Full Committee Hearing to Consider Pending Nominations | *Questions for Consideration for Nominees to the Federal Energy Regulatory Commission ("FERC")*

Date: September 4, 2025

Question 1: To achieve a 100% clean energy future, the need for more power lines to move clean energy across the nation and other forms of renewable energy infrastructure cannot be overstated. The Federal Energy Regulatory Commission ("FERC") plays a significant role in this transition – as the agency charged with regulation of the interstate transmission of electricity in the United States, among other responsibilities.¹ In 2024, FERC published Order 1920 regarding Regional Transmission Planning and Cost Allocation and Order 1977 regarding Backstop Transmission Siting Procedures.² Those rules were designed to enable new transmission, connect clean energy projects to the grid, and promote grid reliability – all policies designed and driven by the Commission. Indeed, FERC's decisions drive investment, shape planning processes, and ultimately, impact how quickly and efficiently the United States will transition to clean energy or continue reliance on outdated and polluting fossil fuels. *How would you address FERC's role in the clean energy transition?*

Question 2: Electricity prices in the United States are surging, with no foreseeable relief. The U.S. Energy Information Administration ("EIA") reports that since 2020, electricity prices have steadily increased.³ Retail electricity, which includes the cost of generation, transmitting, and delivering electricity to customers, have increased faster than the rate of inflation since 2022 and are predicted to outpace inflation through 2026.⁴ Families across the United States are shouldering the impacts– one third or 31% of Americans reported struggles in paying their electricity bill in 2025. Families earning less than \$50,000 per year, 49% report face financial hardship while paying electricity bills, as well as 46% of people who rent their homes.⁵ Households are making heart wrenching choices between paying for vital medication, feeding their families, or paying electricity bills.⁶ While FERC is not the sole actor that impacts electricity prices, the Commission affects those rates through its regulation of transmission and wholesale power. *If confirmed, how would you approach the Commission's role in addressing rising utility costs and ratepayer impacts?*

¹ Federal Energy Regulatory Commission, *What FERC Does*, <https://www.ferc.gov/what-ferc-does> (June 18, 2025).

² Federal Energy Regulatory Commission, *Explainer on the Transmission Planning and Cost Allocation Final Rule*, <https://www.ferc.gov/explainer-transmission-planning-and-cost-allocation-final-rule> (May 7, 2025); also see, Federal Energy Regulatory Commissioner, E-2 | RM22-7-000 <https://www.ferc.gov/media/e-2-rm22-7-000> (May 13, 2024).

³ Energy Information Administration, *U.S. Electricity Prices Continue Steady Increase*, <https://www.eia.gov/todayinenergy/detail.php?id=65284> (May 14, 2025).

⁴ *Id.*

⁵ *Id.*

⁶ National Public Radio, *Electricity Prices are Climbing More Than Twice as Fast as Inflation*, <https://www.npr.org/2025/08/16/nx-s1-5502671/electricity-bill-high-inflation-ai> (August 16, 2025).



Question 3: One of the Federal Energy Regulatory Commission (“FERC”) guiding principles is “Stakeholder Involvement” which entails conducting “regular outreach to ensure that interested parties have an appropriate opportunity to contribute to the performance of the Commission’s responsibilities.”⁷ In previous years, the Commission took measures to further this principle including the establishing the FERC Office of Public Participation in 2021, publishing the FERC Equity Action Plan released in 2022, hosting the Equity and Environmental Justice Roundtable in 2023, and including measures to advance public participation and engagement in orders released in 2024. FERC’s responsibility to complete outreach and promote transparency at the Commission is vital to ensure engagement with the diverse range of people and communities impacted by its policies. *As a FERC Commissioner, what steps will you take to advance public participation and outreach and protect existing mechanisms in place, such as the FERC Office of Public Participation?*

Question 4: As an independent government agency, the Federal Energy Regulatory Commission (FERC) is designed by law to operate with a degree of autonomy from the executive branch to ensure decisions made by the agency are driven by expertise and the national interest, not politics. While many decisions about energy happen at the local and state level, the decisions made by FERC drive investment, shape planning, and determine how quickly the U.S. transitions to clean energy — or how much longer we rely on burning fossil fuels. Yet, we have seen the politicization of FERC through executive orders and now, with a nominee that’s contributed to the Heritage Foundation’s Project 2025 – a plan that outlines a roadmap to deconstructing the administrative state. *As a FERC Commissioner, how will you maintain FERC’s integrity as an independent agency?*

⁷ Federal Energy Regulatory Commission, *About FERC*, <https://www.ferc.gov/what-ferc> (August 25, 2025).