

Opening Statement of Kevin J. McIntyre
Nominee to the Federal Energy Regulatory Commission
U.S. Senate Committee on Energy and Natural Resources
September 7, 2017

Good morning Chairman Murkowski, Ranking Member Cantwell, and members of the Committee on Energy and Natural Resources. I am honored to address you today as a nominee to a vital independent agency that has been the principal focus of my career, the Federal Energy Regulatory Commission.

I begin by thanking the President of the United States for this nomination. I am humbled by the confidence he has placed in me, and, if confirmed by the Senate, I will do my utmost to exceed the high standards that the American people expect of their public servants.

Thirty years ago this summer, I first discovered FERC when, as a law clerk at an energy law firm here in Washington, I was assigned to a natural gas rate matter. What I encountered in that first brush with FERC was a bustling, multifaceted agency with a language all its own and a mission whose importance was obvious to me even then. That first experience triggered a lifelong passion for the field of energy law and policy, and it set me on course for a career in the practice of energy regulatory law. Over the past three decades, I have counseled and represented clients in nearly all industry sectors, with many different market roles, including transmission and transportation providers, customers of such entities, generators of renewable, nuclear and fossil-fueled electricity, integrated utility companies, energy producers, marketers and traders, a Native American tribe, and others. This diverse experience has prepared me for the scope and variety of

matters within FERC's jurisdiction and has helped me to appreciate the broad range of perspectives on the complex economic, environmental, community and national security issues that come before FERC.

It is impossible for me to separate my enthusiasm for energy law and policy from my equally fervent passion for the practice of law – a profession that is honorable and essential for its role in giving voice to the rights and interests of all – and ultimately for advancing the cause of justice in cases large and small. I have the privilege of serving as co-head of the global energy practice of Jones Day – and in that capacity working with and learning from colleagues whom I regard as among the finest lawyers in the world. I have observed first-hand how excellence in legal advocacy has led to significant improvements in law and policy. My belief in the importance of excellence in legal practice and processes – and their role in bringing about a more just society – goes hand in hand with my belief in the importance of the rule of law, which my firm has worked to strengthen through pro bono and charitable efforts around the world.

I raise this background and these beliefs because they have engendered in me a philosophy of governance that I would bring to FERC if confirmed. Specifically, I believe that any consideration of potential action by FERC, or by any governmental body, must begin with a firm understanding of the applicable legal requirements – and that any action taken must satisfy those requirements in full. Because many situations permit a range of equally lawful decisions, including some with profound policy implications, it is also critical to ensure a full airing of all views on the matter, with input by stakeholders, including the public. If confirmed, I would be guided by these principles, rooted in the rule of law and in a commitment to processes that are

open, transparent and fair, with an insistence on excellence in the workings of government. I would strive to bring an even-handed and judicious approach to each matter, with a focus on listening, which is indispensable to fairness and sound decisionmaking.

I would like to thank my family and others who are here with me today. I begin with my dear wife Jenny, who, besides being a heroically supportive spouse and mother to our children, is also a terrific lawyer, on whose counsel I rely daily. I also am delighted that our children are here: Lizzie, a second-grader at St. Thomas More Cathedral School in Arlington; Tommy, a kindergartener also at St. Thomas More; and Annie, in pre-K at the Reed School in Arlington. I also thank my parents Jack and Alice McIntyre for being here, and, yes, for enduring my early years with love and patience. My views on the importance of public service were formed in observing my dad's long career in the U.S. Air Force and my mom's own sacrifices as a military spouse in service of our country. Finally, allow me to acknowledge my parents-in-law, Irene and Leger Brosnahan, and the other family members, dear friends and colleagues who are here today. I thank them all for their enduring support.

With that, I thank you for this opportunity to appear before the Committee, and I look forward to answering your questions.