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UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

CONSENT ELECTRIC,  
CONSENT MISCELLANEOUS, CONSENT HYDRO,  
CONSENT CERTIFICATES, STRUCK ITEMS

1067th COMMISSION MEETING  
TELEPHONIC CONFERENCE

Thursday, May 21, 2020  
Conference Room  
Ace-Federal Reporters, Inc.  
555 12th Street, N.W.  
Suite 630-A  
Washington, D.C. 20004

The Commission met in open session at 10:00 a.m.,  
when were present:

- CHAIRMAN NEIL CHATTERJEE
- COMMISSIONER RICHARD GLICK
- COMMISSIONER BERNARD McNAMEE
- COMMISSIONER JAMES DANLY
- SECRETARY KIMBERLY D. BOSE

1                   Agenda Items:

2

3   Consent-Electric

4   E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11,

5   E-13, E-14, E-15, E-16, E-17, E-19, E-20, E-21, E-22, E-23

6   and E-25

7

8   Consent-Miscellaneous

9   M-1

10

11   Consent-Hydro

12   H-1, H-2, H-3, H-4, and H-5

13

14   Consent-Certificates

15   C-1, C-2, C-3, C-5, C-6, C-7, and C-8

16

17   Struck Items

18   E-12 and C-4

19

20   Commissioner Statements for May 21, 2020

21   E-1 - Commissioner Glick concurring in part and dissenting

22   in part with a separate statement

23   E-3 - Commissioner Glick dissenting with a separate

24   statement

25

1 E-25 - Commissioner Glick concurring with a separate  
2 statement

3 C-1 - Commissioner Glick dissenting in part with a separate  
4 statement

5 C-1 - Commissioner McNamee concurring with a separate  
6 statement

7 C-6 - Commissioner Glick dissenting with a separate  
8 statement

9 C-7 - Commissioner Glick dissenting with a separate  
10 statement

11 C-7 - Commissioner McNamee concurring with a separate  
12 statement

13 C-8 - Commissioner Glick dissenting with a separate  
14 statement

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16 Struck Items

17 E-12 and C-4

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

2 (10:00 a.m.)

3 (The following proceedings are being held by  
4 teleconference.)5 SECRETARY BOSE: Good morning, everyone. Mr.  
6 Chairman, please gavel us in.7 CHAIRMAN CHATTERJEE: Madam Secretary, we are  
8 ready to begin.9 SECRETARY BOSE: Good morning, Mr. Chairman.  
10 Good morning, Commissioners. This is the time and place  
11 that has been noticed for the open meeting of the Federal  
12 Energy Regulatory Commission to consider the matters that  
13 have been posted by the Commission.

14 Please join me in the Pledge of Allegiance.

15 (Pledge of Allegiance recited.)

16 SECRETARY BOSE: Commissioners, since the April  
17 open meeting the Commission has issued 66 Notational Orders.

18 Thank you, Mr. Chairman.

19 CHAIRMAN CHATTERJEE: Thank you, Madam Secretary,  
20 and good morning to everyone. Before we start, I want to  
21 thank our very own FERC Ensemble for the wonderful music you  
22 all heard before the meeting started. If we were all  
23 gathered in person, I know we'd all give them a huge round  
24 of applause. That's an example of what FERC does best. We  
25 work together, come what may. The piano accompaniment and

1 vocal tracks were each individually recorded by FERC staff,  
2 and those individual recordings were compiled into one  
3 master track to share with you today.

4 I'm moved by the collaboration and care it took  
5 to create that song, and by the sentiment it expressed. We  
6 are all certainly leaning on each other right now. Big, big  
7 thanks to the FERC Ensemble and Julie Grath who leads the  
8 group for that very special opening for today's meeting.

9 On a more somber note, as you all are probably  
10 aware, earlier this month we learned that four FERC contract  
11 staff members have been diagnosed with COVID-19. As a  
12 result, we have temporarily closed the building and  
13 suspended the delivery of mail, including the receipt of  
14 paper files. Those actions were in line with our  
15 commitment to taking all precautions necessary to help  
16 ensure the safety of the FERC community.

17 I'd like to thank everyone who has reached out to  
18 send us good wishes to these members of the FERC family. On  
19 behalf of all of us here at the Commission, we wish them a  
20 speedy recovery.

21 On another somber note, we continue to closely  
22 follow the situations at the Edenville and Sanford Dams in  
23 Michigan. The safety of Michigan residents is paramount.  
24 We urge everyone to continue to follow local guidance. We  
25 have a FERC expert on the ground coordinating with state

1 officials, and we've also started the process for an  
2 independent inquiry into what happened. Our thoughts are  
3 with everyone affected.

4           Next I'd like to follow up on some of our efforts  
5 to provide regulatory relief in light of the pandemic.  
6 Earlier this year, the Secretary issued notices extending  
7 deadlines and granting waivers, and some of the blanket  
8 extensions and waivers expired on May 1st. I was glad that  
9 the Commission provided that relief to regulated entities  
10 and the public, but I'm also glad to see that the  
11 expiration of certain extensions and waivers on May 1 did  
12 not create a panic, which tells me, thankfully, that  
13 regulated entities and the public are adjusting to the  
14 emergency in their dealings with the Commission.

15           I want to note that although some of the notices  
16 have expired, I and my colleagues remain vigilant to  
17 requests for needed regulatory relief. Indeed, since the  
18 blanket notice expired on May 1st, on May 8th the Secretary  
19 granted a blanket extension until September 1st for the need  
20 to notarize or obtain sworn declarations for filings made  
21 with the Commission.

22           We will continue to act expeditiously on requests  
23 for relief. Further, the Commission extended the effective  
24 date of Orders No. 860 and the deployment of the  
25 Market-Based Rate Database by six months to April 1, 2021,

1 and the deadline for baseline submission is extended until  
2 August 2nd, 2021.

3 I am also pleased to announce that we will be  
4 holding a Commissioner-led virtual technical conference to  
5 address issues arising from the COVID-19 pandemic on July  
6 8th and July 9th . The purpose of this conference is to  
7 consider the ongoing serious impacts that the emergency  
8 conditions caused by COVID-19 are having on various segments  
9 of the United States' energy industry.

10 While the Commission and its staff have already  
11 taken multiple steps to provide regulated entities with  
12 regulatory relief in the short term, the Commission now  
13 wants to explore the potential longer term impacts of  
14 COVID-19 on the energy industry and regulated entities.

15 My hope is that this technical conference will  
16 serve as a public forum for the Commission and energy  
17 stakeholders to discuss a wide range of energy issues that  
18 our country faces as we all come together and begin to  
19 recover from the national crisis caused by COVID-19.

20 The conference will provide an opportunity for  
21 the type of high-level, energy-focused public discussions  
22 that will help chart the path forward. The conference will  
23 include multiple panels and cover diverse issues ranging  
24 from operational and planning challenges, including the  
25 potential impacts of changes in electric demand on

1 operations, planning, and infrastructure development, the  
2 potential impacts of changes in natural gas and oil demand,  
3 and issues related to access to capital and liquidity.

4 I am really looking forward to the discussion,  
5 and I want to thank the stakeholders who have already  
6 reached out to express their interest and engagement on  
7 these topics. Please stay tuned as we continue to provide  
8 updates on the technical conference in the coming weeks.

9 On a related note, I am pleased that staff's 2020  
10 Assessment Report will be available on the Commission's  
11 website today. This truly informative report includes a  
12 section on how COVID-19 has already affected energy markets,  
13 detailing electric, oil, natural gas, and LNG impacts so  
14 far.

15 In addition, in lieu of a presentation staff  
16 recorded a Podcast to highlight some of the major takeaways  
17 from the report. That Podcast will also be available on the  
18 Commission's website, and I encourage everyone to check it  
19 out. Thank you to staff for all the hard work on the 2020  
20 Summer Assessment.

21 With that, let's dive into today's agenda. Item  
22 E-1 grants in part and denies in part rehearing of Opinion  
23 569. Today's Order establishes a base ROE for the MISO  
24 Transmission Owners of 10.02 percent. In reaching this  
25 result, the Order grants rehearing in several respects and

1 strengthens our methodology by ensuring that it better  
2 reflects investor expectations.

3           First, the Order accepts the use of a risk  
4 premium model modified to address the concerns expressed in  
5 Opinion 569. In doing so, the Order establishes a revised  
6 ROE methodology based on three models. The risk premium  
7 model, the discounted cash flow or DCF model, and the  
8 capital asset pricing model, or CAPM.

9           Second, the Order retains the two-step DCF model  
10 but increases the weighting of the short-term growth rates  
11 to 80 percent, thereby decreasing the weighting of the  
12 long-term growth rate to 20 percent.

13           Third, the Order clarifies that the Commission  
14 will consider the use of value-line growth rates for the  
15 CAPM in future proceedings.

16           Fourth, the Order increases but does not  
17 eliminate the high-end outlier test. The Order maintains  
18 the natural break test, which will be used as a check on the  
19 low end and high end outlier test to ensure that only  
20 outliers are removed from the proxy group.

21           Fifth, the Order adjusts the Zone of  
22 Reasonableness to reflect the single-point result of the  
23 risk premium model, thereby ensuring that the risk premium  
24 model is reflected in both the Prong One and Prong Two  
25 analysis under FPA Section 206.

1           Finally, the Order moves from the quartile  
2 approach to one that creates three equal ranges of  
3 presumptively just and reasonable ROEs that cover the entire  
4 Zone of Reasonableness.

5           The Draft Order largely denies rehearing on all  
6 other issues, including those related to the continued use  
7 of IBES short-term growth rates for the DCF model, the CAPM  
8 size adjustment, refunds, and the exclusion of the expected  
9 earnings model.

10           Although the Order excludes expected earnings  
11 from the methodology adopted today, the Order clarifies this  
12 fact does not necessarily foreclose the use of expected  
13 earnings in future proceedings if parties can demonstrate in  
14 the record of those proceedings that the Commission's stated  
15 concerns have been addressed.

16           In sum, today's Order improves upon Opinion 569  
17 by promoting model diversity and making practical  
18 adjustments to the models to ensure they better reflect  
19 investor expectations, while remaining legally durable.

20           Orders like this one remind me of how excellent  
21 our staff is here at the Commission. I would like to thank  
22 all of them for their hard work.

23           Next I'd like to discuss Item E-2, which revises  
24 the Commission's policy for analyzing interstate natural gas  
25 and oil pipeline ROEs to adopt the methodology established

1 for public utilities in Item E-1, with certain exceptions to  
2 account for the statutory, operational, organizational, and  
3 competitive differences among the industries.

4 In particular, the Policy Statement explains that  
5 we will determine natural gas and oil pipeline ROEs by  
6 averaging the results of DEF and CAPM analyses, giving equal  
7 weight to both models, and we will consider using value line  
8 data as the source of the short-term growth projection in  
9 the CAPM in future proceedings.

10 In contrast to our methodology for public  
11 utilities, we will retain the existing two-thirds/one-third  
12 weighting for the short-term and long-term growth  
13 projections in the DCF and will not use the risk premium  
14 model. And, as with the methodology for public utilities,  
15 we will exclude use of the expected earnings model.

16 The Policy Statement also clarifies our policies  
17 for governing formation of proxy groups, including  
18 considering proposals to include Canadian companies in  
19 pipeline proxy groups while continue to apply our proxy  
20 group criteria flexibility until sufficient proxy group  
21 members are obtained.

22 The Order also clarifies that we will continue to  
23 address outliers in pipeline proxy groups on a case-by-case  
24 basis and refrain from applying specific outlier tests.

25 Finally, the Policy Statement encourages oil

1 pipelines to file updated FERC Form No. 6, page 700, data  
2 for 2019 to reflect the revised ROE policy established in  
3 the Policy Statement.

4           Turning now to Item E-3, I am pleased that today  
5 the Commission is taking decisive action to reform PJM's  
6 Reserves Market. This is one more example of the  
7 Commission's commitment to improving and protecting the  
8 organized wholesale markets we oversee.

9           In today's Order, we find that PJM made a  
10 persuasive case that its current Reserves Market design must  
11 be overhauled. PJM showed that the current market mechanism  
12 systematically fails to enable PJM to acquire within the  
13 market the reserves it needs to operate its system reliably.  
14 And it fails to send appropriate price signals for efficient  
15 resource investment.

16           The fact that PJM operators regularly must  
17 procure thousands of megawatts of reserves outside of the  
18 market constructs is evidence of a market design that is  
19 unjust and unreasonable.

20           We address these concerns by adopting PJM's  
21 proposals to consolidate the Tier One and Tier Two reserve  
22 products, align the products PJM procures in the Day Ahead  
23 and Real-Time Markets, and revise the height and shape of  
24 PJM's operating reserves demand curves, or ORDCs, to ensure  
25 that the value of reserves are appropriately reflected in

1 the market.

2           Together, these reforms will help ensure that  
3 market forces, rather than out-of-market decisions, drives  
4 the procurement of reserves in PJM. Market mechanisms are  
5 the best way to ensure that consumers can continue to count  
6 on a reliable power supply at just and reasonable prices,  
7 and to ensure market transparency.

8           We acknowledge that these reforms will affect the  
9 amount of reserves procured and the energy and ancillary  
10 services revenues that resources receive. The Order  
11 explains that the significant changes we adopt today must be  
12 recognized in PJM's Capacity Market.

13           Specifically, the changes must be recognized in  
14 PJM's energy and ancillary services offset, which is a  
15 variable that helps determine the amount and cost of the  
16 capacity procured by the PJM.

17           We thus direct PJM to adopt a forward-looking  
18 methodology for calculating that offset going forward.  
19 Looking ahead, we've directed PJM to submit a compliance  
20 filing in 45 days. Recognizing the interplay between these  
21 reforms and the pending Capacity Market reforms, we've asked  
22 PJM to propose an implementation schedule that harmonizes  
23 the reforms while minimizing any auction delays.

24           This was a significant matter, and I want to  
25 thank the staff team who worked diligently on this Order and

1 tackled some very tough issues.

2 I'll take just a moment to notice Item M-1, which  
3 is a proposed Policy Statement clarifying how the Commission  
4 addresses requests for waivers or tariff provisions to  
5 ensure that we comply with the Filed Rate Doctrine and Rule  
6 Against Retroactive Ratemaking.

7 The proposed Policy Statement provides guidance  
8 regarding the circumstances in which the Commission may  
9 consider requests for relief, and how applicants should make  
10 such requests. I am pleased that we reached a consensus on  
11 this item. Now, more than ever, I think it's important to  
12 ensure that we have the tools to transparently and  
13 expeditiously process the requests that come before us.

14 I am also pleased that the Commission is granting  
15 a certificate for the Alaska LNG Project proposed by the  
16 Alaska Gasline Development Corporation. This project will  
17 commercialize the natural gas resources of Alaska's North  
18 Slope for export, and for use by consumers in Alaska. This  
19 is the 13th LNG project we have approved since I joined the  
20 Commission. I appreciate the efforts everyone has made to  
21 achieve this feat.

22 With that, I will conclude my remarks and turn  
23 back to my colleagues for any additional opening statements  
24 or announcements they may have, beginning with Commissioner  
25 Glick.

1           COMMISSIONER GLICK: Thank you, governor--I mean,  
2 Mr. Chairman. I would like to start by repeating a big  
3 thank you to the heroes who have emerged during this  
4 Coronavirus crisis: the medical professionals, grocery and  
5 restaurant workers, people that are delivering food,  
6 medicine, and other essentials to our homes and businesses,  
7 America's teachers, and last but not least utility workers  
8 across the country that have been working day and night to  
9 keep the lights on. To paraphrase Winston Churchill, there  
10 are so many of us that owe so much to so few.

11           I also want to again thank FERC staff for their  
12 dedication and continued hard work under these difficult  
13 circumstances. They truly are amazing.

14           And I also want to note, as the Chairman  
15 mentioned, that we are all thinking about the people of  
16 Michigan in the aftermath of the breach of the Edenville  
17 Dam. Commission staff is carefully monitoring the  
18 situation. We will obviously be spending a lot more time on  
19 this issue in the coming months, but for now the priority  
20 must be ensuring the health and safety of the community and  
21 first responders.

22           Now turning to the business we have before us  
23 today, I will be dissenting on six of the Orders that the  
24 Commission will be considering. I will be as brief as  
25 possible, but I have a lot to say because I believe the

1 Commission is making some grievous unforced errors by  
2 focusing on preferred outcome in these cases rather than the  
3 facts and the law.

4           Let me start by discussing E-1, the Chairman just  
5 referenced, where the Commission has chosen to again revise  
6 its approach for determining the appropriate return on  
7 equity, in this case for MISO's transmission owners.

8           For the past decade, the Commission has been  
9 struggling with having to determine whether the ROE  
10 transmission owners are recovering is just and reasonable.  
11 And if not, what should be the appropriate replacement rate  
12 for the ROE?

13           This has created a substantial amount of  
14 uncertainty for utilities and other transmission developers,  
15 and this uncertainty has probably held back needed  
16 investment in the transmission grid.

17           In the Fall of 2018, the Commission proposed  
18 expanding our traditional discounted cash flow methodology  
19 to instead rely on four financial models for determining the  
20 appropriate ROE. Then last year in Opinion No. 569, we  
21 narrowed this increase to just two financial models,  
22 rejecting the other two models because they were poor tools  
23 for estimating a utility's cost of equity.

24           But that decision was criticized on Twitter and  
25 elsewhere by utilities disappointed the Commission didn't

1 give the MISO transmission owners the higher ROE. That led  
2 to the Chairman at the December Commission meeting  
3 practically begging disappointed parties to seek rehearing,  
4 signaling the Commission would fix their concerns.

5           And that has culminated in today's Order, Opinion  
6 No. 569A, which, unsurprisingly, again changes the  
7 Commission's approach so that transmission owners will now  
8 receive a higher ROE than they would have under the previous  
9 Order.

10           After so thoroughly explaining last Fall why it  
11 would not be appropriate to employ the risk premium model in  
12 calculating a just and reasonable ROE rate, today's Order,  
13 relying on the very arguments the Commission dismantled in  
14 Opinion No. 569, reversed its course. You might as well  
15 just say: Of course we should use the risk premium model,  
16 after all it increases MISO transmission owners' ROE.

17           The bigger problem, beyond the lack of reasoned  
18 decisionmaking as I see it, is that we are treating the  
19 whole process as an exact science, when in fact I think  
20 everyone known this is more an art than a science, which is  
21 why I'm only dissenting in part. Because I think an  
22 argument can be made that, despite the faulty reasoning,  
23 the 10.02 percent rate the Commission is approving today is  
24 just and reasonable.

25           So we need to be aware of that as we continually

1 tinker with our ROE methodology, we are losing sight of what  
2 is more important: a stable investment environment for  
3 transmission developers.

4 I also want to briefly mention another part of  
5 today's MISO ROE Order in which I am fully dissenting. By  
6 way of background, this Order is in response to two  
7 complaints. One was filed on November 12th, 2013, and the  
8 second was filed two years later, or a year-and-a-half  
9 later, February 12th, 2015. The Commission established a  
10 refund period for the first complaint from November 12th,  
11 2013, to February 12th, 2015. And the refund effective date  
12 for the second complaint, from February 12th, 2015, to May  
13 12th, 2016.

14 MISO's transmission owners during both period  
15 received the same exact ROE, 12.38 percent. Because the  
16 Commission today determines that the MISO transmission  
17 owners should have received 10.02 percent instead, the  
18 Commission orders the transmission owners to pay refunds for  
19 the first refund period. But using logic that can only make  
20 the authors of the Abbott & Costello's "Who's on First"  
21 routine proud, the Commission is saying we are going to  
22 assume that ratepayers during the second refund period paid  
23 10.03 percent, since that is the effective rate we are today  
24 setting for the first refund period. But they didn't pay  
25 that rate. They paid the 12.38 percent that everyone agrees

1 was excessive.

2 I'm going to be very interested to see how the  
3 Commission justifies before the Appellate court how it can  
4 rob consumers tens of millions of dollars in refund by just  
5 assuming away the facts in order to minimize the impact on  
6 transmission owners.

7 Now I am also going to be dissenting on several  
8 natural gas pipeline and LNG Orders today. And I want to  
9 discuss both LNG Orders that we are issuing today. One of  
10 them is on Jordan Cove where we're denying rehearing of a  
11 Jordan Cove LNG Project Order from a couple months ago  
12 approving that project in Oregon.

13 And then we're also approving, as the Chairman  
14 referenced, the Alaska LNG Project. Although the Natural  
15 Gas Act does not require the Commission to inquire into a  
16 proposed project's financial prospects, it is impossible to  
17 ignore the fact that the economic fallout from the COVID-19  
18 pandemic has made a very difficult market for LNG exports  
19 far more challenging.

20 The chances that any of the recently approved LNG  
21 project, or the two projects before us today, are going to  
22 sign off on contracts that will enable the project to  
23 proceed in the near term are very slim. And there are  
24 doubts whether either of today's projects will ever get  
25 built.

1            Yet the Commission continues to approve these  
2 projects at a breakneck pace. It has become increasingly  
3 apparent that the Commission doesn't care whether these  
4 projects actually get built. Instead, we treat Natural Gas  
5 Act approval as some kind of achievement that we can put up  
6 on the tote board like they have at telethons, adding up how  
7 many Bcf of mythical new capacity FERC has approved, and  
8 presenting it as some kind of blow for freedom that we can  
9 brag about on Twitter.

10            Let's take credit and move on! No one will ever  
11 remember by the time these projects actually get cancelled.  
12 You might ask why this matters. Why don't we just continue  
13 to rush these orders out and let the LNG market and other  
14 regulatory bodies resolve these things later.

15            I'd like to explain why the Commission's shoot  
16 first and ask questions later attitude is problematic.

17            First, with regard to Jordan Cove for which today  
18 the Commission is denying rehearing of the March Order  
19 approving the project, and an associated pipeline, because  
20 we have already granted a certificate to the pipeline the  
21 company has the ability to take land via eminent domain now,  
22 regardless of whether the LNG project ever gets built.

23            Now the sensible thing would be for the  
24 Commission to stay the effective date of the pipeline  
25 certificate to ensure no land could be taken via eminent

1 domain until we know the LNG project will actually be built.  
2 That would be too logical. Losing your land to government  
3 condemnation isn't easy, but imagine if you were told you  
4 just move to clear the way for a project that most likely  
5 will never be built?

6 Today's Order is additionally troubling because  
7 the Commission has blocked landowners affected by a  
8 last-minute reroute of the pipeline, to pursue their  
9 grievances in the appellate court. The Natural Gas Act  
10 requires parties to file rehearing requests 30 days after  
11 the underlying orders are issued. And the Commission's  
12 regulations require that filings on deadline days be made no  
13 later than 5:00 p.m. Eastern Time, even though the statute  
14 itself doesn't say anything about by what time a filing must  
15 be submitted.

16 In this case, the landowners affected by the  
17 reroute, who all live in the Pacific Time Zone, submitted  
18 their rehearing request at 7:54 p.m. Eastern, 4:54 p.m.  
19 Pacific Time, Oregon time, six minutes before 5:00 p.m.

20 I understand we have rules, but since 5:00 p.m.  
21 is not a statutory requirement, FERC has some room to be  
22 flexible. But of course the Commission chose not to be.  
23 The landowners were represented by a small Texas law firm  
24 that seemed to specialize in property rights, and as far as  
25 I can tell the firm is not experienced in FERC practice and

1 procedure. It is quite possible that the firm was unaware  
2 of the filing deadline was based on Eastern Time.

3 I also understand the rehearing request the  
4 landowners submitted did not meet the Commission's  
5 requirement that a petitioner's arguments be laid out in  
6 detail. But again, it seems that the punishment directed at  
7 these landowners, which is not being able to protect the  
8 rights on appeal, is much worse than the crime of not hiring  
9 a high-priced Washington, D.C., law firm with an experienced  
10 FERC practice.

11 Mr. Chairman, when much of this country is again  
12 quarantining in March, I called on the Commission to act  
13 judiciously in considering certain orders in the short term  
14 because, as we know, the Natural Gas Act and the Federal  
15 Power Act has 30-day statutory limits to seek rehearing that  
16 we can't waive.

17 It is difficult enough to adequately meet this  
18 deadline when there is no pandemic ravaging the Nation, but  
19 much more so during this crisis. Unfortunately the  
20 suggestion was ignored.

21 More recently, a group of 11 state attorneys  
22 general wrote to the Chairman requesting a moratorium on the  
23 approval of new natural gas pipelines and LNG projects  
24 because of their concern that affected parties during the  
25 COVID-19 crisis wouldn't be able to adequately protect their

1 interest, which is exactly what is happening in the Jordan  
2 Cove proceedings that we were just talking about.

3 Chairman Chatterjee responded to this letter in a  
4 letter to the Virginia Attorney General rejecting the  
5 attorney--rejecting their request. The Chairman said he  
6 didn't want to hinder the build-out of energy  
7 infrastructure, but how is it a hindrance if these projects  
8 aren't going to get built any time soon? I just don't  
9 understand it.

10 In contrast, the Commission has bent over  
11 backwards to accommodate industry during this difficult  
12 period, and the Chairman just laid out a number of the  
13 changes we've made in the aftermath of COVID-19, and I  
14 actually support a lot of those changes to our regulatory  
15 process. But I don't want to hear anymore how much we care  
16 about landowners and take their concerns seriously when what  
17 we're doing today.

18 And I'm even more perplexed that the Commission  
19 has chosen to rush out today's Order approving the Alaska  
20 LNG Project. This is an extremely large project, estimated  
21 to cost \$45 billion, with a downstream gas treatment  
22 facility and an 800-mile pipeline crossing environmentally  
23 sensitive land.

24 The economics of the project, which were already  
25 in question, are even more perilous given the collapse of

1 the LNG market. The state corporation that is running the  
2 project recently announced it is looking for a private  
3 entity to take over the project. If not, they have  
4 suggested they will sell off the project's assets.

5           Again, I'm not suggesting that we should approve  
6 or reject the project based on its economic viability, but I  
7 just can't understand why we are rushing out this Order  
8 before the record has been sufficiently developed to allow  
9 the Commission to analyze the project consistent with the  
10 requirements of the Natural Gas Act and NEPA.

11           As today's Order admits, the project is going to  
12 significantly adversely impact several endangered species.  
13 And because of that, this requires biological opinions from  
14 both the Fish & Wildlife Service and NMPF. These are what  
15 should have been completed.

16           So you would think the Commission would have  
17 waited to allow it to review the biological opinion before  
18 we determine whether the project is in the public interest.  
19 But again you would have guessed wrong.

20           The Natural Gas Act essentially requires us to  
21 find the proposed LNG project won't be contrary to the  
22 public interest. Generally that requires laying a project's  
23 adverse impact against a project's benefit. But today's  
24 Order doesn't engage in that type of analysis.

25           As was the case with the Jordan Cove Project, the

1 Alaska LNG Order lists a series of adverse impacts that  
2 can't be mitigated, and then concludes without any analysis,  
3 including weighing the benefits against the harm, that  
4 somehow these adverse impacts are acceptable.

5           You would think, at the very least, you would  
6 want to understand those adverse impacts better, but that  
7 would require actually caring about what we're doing.

8           This project also direct emits a tremendous  
9 amount of greenhouse gases: 16 million tons annually, which  
10 would actually increase Alaska's total state emissions  
11 upwards to 50 percent. Will that significantly affect the  
12 environment? The majority continues to claim that it has no  
13 way of performing that assessment because there is no  
14 standard metrics. But somehow the Commission finds itself  
15 able to assess the significance of other project impacts for  
16 which there is no metric.

17           In this particular Order, including impact on  
18 vegetation, forest lands, and subsistence communities. As  
19 the saying goes, when there is a will there is a way. But  
20 the majority continues to have no interest in determining  
21 whether a project's greenhouse gas emissions will have a  
22 significant environmental impact, even though the law  
23 requires it.

24           The Commission simply, because it wishes to  
25 ignore its way past climate change, is putting the viability

1 of these Orders in jeopardy.

2 Now I am also going to be dissenting today on the  
3 Commission's decision to deny rehearing of its January 30th  
4 Order granting in part a petition to declaratory order with  
5 regard to the proposed Petty's Natural Gas Pipeline.

6 You will recall that the U.S. Court of Appeals  
7 for the Third Circuit ruled last year that the 11th  
8 Amendment to the Constitution prohibited Petty from using  
9 Natural Gas Act eminent domain authority to take land in  
10 which the State of New Jersey has an interest.

11 In an apparent attempt to bolster its efforts to  
12 persuade the Supreme Court to review and overturn the Third  
13 Circuit decision, Petty's sought a declaratory order from  
14 the Commission, and the Commission generally obliged.  
15 Despite the fact that the Commission doesn't even administer  
16 the eminent domain provisions of the Natural Gas Act, the  
17 Commission incorrectly claims to have expertise the court  
18 should defer to. And of course the Commission then argues,  
19 without any evidence, that the Natural Gas Act contemplates  
20 pipeline developers acquiring state land by eminent domain.

21 As my dissent points out, the Commission is not  
22 due any deference in interpreting a statutory provision it  
23 does not administer. And the Commission has always been  
24 quick to note that FERC does not administer this eminent  
25 domain provision. We see it in every order. We don't have

1 authority over eminent domain. We don't have authority over  
2 eminent domain. But somehow all of a sudden we have  
3 expertise in it.

4 As I noted before, and especially in my January  
5 30th stet, not having -- the Commission not having any  
6 evidence to support outcome-based conclusions in this case,  
7 resort to shoddy legal analysis, citing cases of support for  
8 its position that in fact don't say anything of the sort.

9 Now on rehearing, the Commission basically admits  
10 that it did not accurately characterize the cases it cited,  
11 but then it makes up a new even less convincing reason for  
12 why those cases are relevant. And as Bob Dylan would say,  
13 when you ain't got nothin', you got nothin' to lose.

14 Let's actually be honest here. I don't know  
15 whether Congress intended for the Natural Gas Act's eminent  
16 domain provision to override the 11th Amendment or not, but  
17 neither do my colleagues. We shouldn't make things up just  
18 because the Commission doesn't like what the Third Circuit  
19 did and want the Supreme Court to reverse course in this  
20 case.

21 Now I'm also dissenting from the Commission  
22 decision today to overhaul PJM's energy and reserve market  
23 design, which the Chairman referenced. While I'm concerned  
24 that the Commission made an unsupported finding that PJM's  
25 existing rate is unjust and unreasonable, I'm even more

1 concerned and procedurally troubled that the Commission  
2 accepted PJM's proposal to revise the operating reserves  
3 demand curve.

4           The Commission is requesting marginal cost  
5 pricing with an administrative adder that is going to force  
6 consumers to pay scarcity pricing all the time, regardless  
7 of whether there was actual scarcity or not. This is  
8 expected to cost consumers between \$500 million and \$2  
9 billion annually without providing additional benefit.

10           Now the Chairman mentioned that somehow we're now  
11 relying on market forces; that's why we have to have this  
12 Order. How is it "market forces" when we're  
13 administratively drawing up some curve that makes no sense  
14 in the market of support. We're doing it, obviously, to  
15 raise prices.

16           As has been the case with proposals to reform  
17 other aspects of PJM's market, PJM and others continue to  
18 treat low prices due in large part to a significant amount  
19 of excess generating capacity as a matter that requires  
20 market tweaks designed to raise price. Instead of  
21 addressing the true cause of the problem, which is excess  
22 capacity, this Commission continues to approve proposals  
23 that raise prices. And what do those raise in prices do?  
24 They further exacerbate the problem.

25           As I've said before, we need to consider on a

1 global basis how we look at PJM's market, instead of  
2 continuing to react with piecemeal proposals that are  
3 unsustainable and threaten to break apart PJM itself.

4 Now we are starting to see evidence that the  
5 future of PJM as we know it is at stake. Regardless of how  
6 many times the Chairman denies it. It also applies to the  
7 Order the Commission is issuing today rejecting two  
8 complaints urging the implementation of the seasonal  
9 capacity market for PJM.

10 Although I support the Order because I don't  
11 believe the record demonstrated the current approach leads  
12 to unjust and unreasonable results, there are many serious  
13 issues raised in that proceeding that suggest we should be  
14 taking a holistic look at how these markets can be improved  
15 to better meet the needs of the system by promoting  
16 competition and an efficient market. It's obvious we can  
17 and should be doing better.

18 I also want to briefly discuss M-1, which the  
19 Chairman also referenced, our Policy Statement concerning  
20 the Commission's waiver policy and the impact of filed rate  
21 doctrine, and the rule against retroactive ratemaking have  
22 on the Commission's authority to grant waivers.

23 The problem has become apparent to those that  
24 follow the Commission closely, that something was up with  
25 regard to the Commission's approach to waiver requests.

1 Requests that we had routinely approved in the past were  
2 either not being acted upon, or were being rejected without  
3 much explanation.

4           Although I don't necessarily agree with  
5 everything in this proposed statement, and I have  
6 significant concerns with some of the language here, I will  
7 be voting on it because -- or voting for it, I should say,  
8 because we owe it to both the regulated community and the  
9 public to be as transparent as possible for how we are  
10 resolving these issues.

11           I don't think it is too much to say that each of  
12 the Commissioners believe that the Filed Rate Doctrine and  
13 the rule against retroactive ratemaking, applies at least to  
14 some non-rate provisions and Commission jurisdictional  
15 tariffs. And thus, some tariff requirements may not be  
16 waived retroactively. But the courts have not addressed how  
17 the Filed Rate Doctrine applies to many of the issues that  
18 arise in waiver requests to the Commission.

19           I hope interested parties will take a close look  
20 at this proposal, because I believe that there are more open  
21 questions than it suggests. In addition, the proposed  
22 policy statement proposes to require parties to pay roughly  
23 \$30,000 to get a judgment under this new policy.

24           That strikes me as punitive, and I am eager to  
25 review the other options regarding filing fees and how to

1 consider what are current waiver requests.

2           Finally, this draft policy statement gives  
3 interested parties only two weeks to comment, and one  
4 additional week for reply comments. That doesn't seem like  
5 enough time to sufficiently consider these important legal  
6 questions.

7           I would be open to granting extensions of time,  
8 if needed, although my view isn't very in accord with the  
9 decision to extend time for comment typically made  
10 unilaterally by the Chairman.

11           Now, Mr. Chairman, I don't have anything further  
12 to say. I apologize for the length of my comments, but  
13 there's a lot -- I think we're doing a lot today. So thank  
14 you.

15           CHAIRMAN CHATTERJEE: Thank you. Commissioner  
16 McNamee?

17           COMMISSIONER McNAMEE: Thank you, Mr. Chairman.  
18 Starting off, I also want to express our -- that we're  
19 monitoring the issues in Michigan with the dam and the  
20 flooding, and that our thoughts and prayers are with the  
21 people of Michigan. And I applaud you, Mr. Chairman, for  
22 making sure that we sent people out there to start  
23 monitoring it immediately, and to assist in analyzing the  
24 engineering issues.

25           Also, like my colleagues, I want to comment a bit

1 about the situation with the COVID-19 and what's going on in  
2 America. One thing that I think is amazing is just how the  
3 American people have come together, and the unity that we  
4 have shown, the resilience that we have shown, and just the  
5 humanity we have shown as a people.

6           It has always happened in the United States that  
7 when we seem to be in the roughest seas, we seem to come  
8 together and show our greatest strengths. And so I applaud  
9 what's going on in this country, and I am confident that we  
10 have a bright future ahead of us.

11           And part of that is also because of the  
12 hard-working people we have at FERC. I have been impressed  
13 daily with the dedication, the focus, and the willingness to  
14 work a little bit harder to get the work done by the entire  
15 FERC staff. And I include among those my personal team.  
16 They have been fantastic and excellent under these  
17 difficult circumstances, and I greatly appreciate their  
18 work.

19           Now to specific issues that we're dealing with.  
20 First, as we've heard from the Chairman and from  
21 Commissioner Glick, we will be approving a number of natural  
22 gas items, including natural gas pipeline applications, and  
23 the Alaska LNG, and the Jordan Cove LNG facilities.

24           I will be issuing my concurrence in C-1 and C-2,  
25 C-1 being Blue Water Gas Pipeline Compressor Station. The

1 arguments there, ones that you've heard in the debates  
2 between Commissioner Glick and me in the past about why the  
3 Commission does not have the authority under the National  
4 Gas Act or NEPA to develop out of whole cloth a system to  
5 measure, regulate, limit, and determine significances of  
6 greenhouse gases.

7           As I have expressed before, Congress has tried  
8 over 70 times in the last 15 years to try to develop such a  
9 system. They have not done so, and it's not for the  
10 Commission to suddenly decide that they have the authority  
11 to do so, especially when Congress has granted the EPA with  
12 the primary authority for regulating air emissions, not  
13 FERC. As an energy regulator, we focus on what our  
14 authorities are under the Natural Gas Act and our  
15 obligations under NEPA. And unlike other areas, like visual  
16 impacts, vegetation management, or wetlands where there are  
17 specific -- specific guidance provided either by other  
18 agencies or by Congress, we don't have that authority here.  
19 We don't have that guidance, and we shouldn't take it on to  
20 ourselves, even if we want to. We need to wait for Congress  
21 to tell us what our authority is.

22           Furthermore, when we look at the application it's  
23 important to recognize that despite accusations of shoddy  
24 work or outcome-based activities, keep the Commission  
25 focused--and I know my colleagues do, and I know I do, and

1 our Orders reflect it--on reflecting the details of what's  
2 being applied for. These are long Orders, not because we're  
3 creating words, but because we're struggling with the  
4 issues raised in the environmental impact statements, in the  
5 comments made by various parties and various interested  
6 people.

7           It is important that we as regulators pay  
8 attention, and we do, to the facts and the law. And it's  
9 important that we continue to do so.

10           Now I am confident that in these Orders that we  
11 do pay attention to the laws and the facts, and it is  
12 important that we -- we project and that we let people read  
13 out Orders and let them see for themselves and not try to  
14 recharacterize them.

15           To the issue about are we -- by not allowing an  
16 extension of time for certain landowner -- to be able to  
17 file, as my colleague has mentioned. He did mention that  
18 they were represented by counsel, which is an important  
19 aspect of this, but what he didn't mention is that many of  
20 the issues were already raised by other parties. And so  
21 that we actually address in substance the accusations, or  
22 the concerns that they have.

23           But rules are there in order to protect all  
24 parties, and we take our obligation seriously to treat all  
25 parties fairly, and that includes ensuring that our rules

1 are applied in a forthright manner, and especially when we  
2 understand that folks are represented by counsel. That is  
3 something that is important to understand, as well.

4           Now to the overall observation about what the  
5 benefits of these projects are doing beyond just what we say  
6 in our application, to what we say in our Orders, I think it  
7 is a fantastic opportunity that we have had in the United  
8 States in our development of our oil and natural gas  
9 resources, and the development of energy infrastructure has  
10 helped strengthen America, made us more economically secure  
11 by providing both domestic sources of energy but also by  
12 providing for the investment that can take place that  
13 creates jobs in America for people that provide that energy  
14 investment. But also, by giving us more independence and be  
15 able to act in world affairs.

16           And those are things that are very important to  
17 the United States, and to our wellbeing, and to the American  
18 people, and to free-loving people across the world. Don't  
19 think anybody can deny that the ability of the United States  
20 to influence energy policy, whether it's in the Middle East,  
21 or against Russia, or our interaction with China, that this  
22 has strengthened the United States. And as we come through  
23 these economic challenges, having a strong economic base, a  
24 strong energy base, can only help the United States in its  
25 economic recovery in helping the world to economic recovery

1 without the constraints of those who may not have the best  
2 interests of liberty and freedom at hand.

3 I would also like to talk about a few other  
4 items. One important item is the draft Policy Statement  
5 regarding waivers. In properly applying how address the  
6 requests for waivers or of tariff requirement in the Weevil  
7 Doctrines of the Filed Rate Doctrine and the rule against  
8 retroactive ratemaking are very important. They are  
9 something that's been an interest of mine not just since  
10 joining the Commission, but in my times of private practice.

11 But I think it's important to recognize, and the  
12 reason we're issuing this Policy Statement, is to recognize  
13 that the ideas that develop the Filed Rate Doctrine and the  
14 Rule Against Retroactive Ratemaking, something that  
15 developed over time. It used to be you could go and you  
16 could go find a rate sheet and find out what a rate actually  
17 was. You could find what the terms and conditions were.  
18 But as we've developed markets, particularly electric  
19 markets, rates are no longer something you can just look up.  
20 They're something that's developed through a process. And  
21 with that, we have seen that there have been more  
22 complications in what happens if you meet a deadline that's  
23 in a multi-step process in order to establish an ultimate  
24 rate set through an auction.

25 And so the issues that used to be more simple in

1 the Filed Rate Doctrine, Rule Against Retroactive  
2 Ratemaking, have become more complicated. And so I think  
3 it's appropriate that we issue this draft Policy Statement  
4 to demonstrate how we believe that -- that this process is  
5 likely to work out, but seeking the input from the regulated  
6 community and others to help inform us about how -- how this  
7 process works, and if there are things we should continue  
8 to consider.

9 I also want to talk a little bit about our  
10 establishment of ROE both in E-1, which was MISO Electric  
11 ROE rehearing; and E-2, regarding oil and natural gas ROEs.

12 And setting ROEs is one of the most important  
13 jobs that we have as a Commission. Setting ROEs helps  
14 fulfill our obligation under Hope and Bluefield, the Supreme  
15 Court cases, to help ensure that rates are just and  
16 reasonable. But this also means considering the impact of  
17 the resulting rates on both customers and utilities, and  
18 their investors. And that's one of the big complications,  
19 is trying to make sure that the rates that are established  
20 are just and reasonable in terms that customers are not  
21 paying too much, but also ensuring that rates are  
22 compiscatory in which investors are no longer going to  
23 invest, or utilities are no longer going to have an  
24 opportunity to receive a reasonable return on their  
25 investment.

1           Getting the balance right is important to  
2 ensuring that our electric system continues to grow and to  
3 serve customers. And as we've struggled to work through  
4 these, it has taken time and it will continue to take time  
5 to modify this.

6           Commissioner Glick actually was right when he  
7 said it's more of an art than a science. And the point  
8 there is that we're trying to approximate what would a  
9 market, what would individual investors, the millions of  
10 individual investors, need to invest in a certain utility's  
11 stock? And that's something that can't be directly  
12 understood. And hence we look at proxy groups. Hence, we  
13 look at the development of long-term growth in stocks; the  
14 future of how long-term growth is going to happen in the  
15 economy as a whole. All these things are ingredients in  
16 trying to figure out what is the right ROE. It's something  
17 that is not easy.

18           And as we struggle to work through these issues,  
19 it's one that we recognize we don't always get right.  
20 Hence, I support the rehearing that we're granting in Order  
21 569A to expand beyond the two-step DCF and CAPM process to  
22 also use the Risk Premium Model. I think through this that  
23 we'll be able to get closer to what are just and reasonable  
24 ROEs as required by Hope and Bluefield.

25           But I think this progression also shows the more

1 difficult issue that has come out in other Orders that we've  
2 issued over time, and just the general challenge that I  
3 think everybody recognizes as we have electric markets, is  
4 what we're doing is trying as a regulated entity to  
5 approximate what markets would do individually.

6           We all recall from Econ 101 that markets are best  
7 because they make complex information that is too  
8 complicated for one small group of people to understand, and  
9 to let supply, demand, and price determine supply and  
10 demand.

11           And of course in a regulated market you don't  
12 quite have that. And so what we do, whether it's to the  
13 RTOs, the ISOs, we're trying to set ROE and trying to  
14 approximate what a market would produce. And it will  
15 constantly be something that we need to pay attention to and  
16 that we will always need to try and do a good job at. But  
17 I think with the Orders that we are issuing today, that  
18 we'll give more certainty to the regulated community, we'll  
19 give more certainty to investors, and the end result will be  
20 just and reasonable rates.

21           Similarly, for oil and natural gas we're issuing  
22 an Order establishing a method for doing ROE for them, as  
23 well. And, recognizing the characteristics that are unique  
24 to oil and gas industries--there are statutes that authorize  
25 a regulation of them--we're applying the DCF and the CAPM

1 processes, but not the risk premium or the expected earnings  
2 models. And it's appropriate in those cases, and as people  
3 read the Orders, they'll understand the differences between  
4 them.

5           Finally, I want to touch on Penn East. The  
6 fundamental issue here is trying to understand and provide  
7 guidance due to a request for declaratory order about how it  
8 is that the Commission understands that the Natural Gas Act  
9 functions.

10           Despite the assertions made by my colleague that  
11 we're making decisions about whether the 11th Amendment is  
12 implicated, we clearly say we do not. We've said that in  
13 the previous Order, and we're saying that here.

14           What we are saying is how we understand, after  
15 over seven decades of applying the Natural Gas Act, how it  
16 has worked, how we've applied it, and how by granting the --  
17 how in applying it the exercise of eminent domain and the  
18 grant of the sovereign that's made in Section 7(h) applies,  
19 and how it would affect our operations.

20           We also address issues related to the Third  
21 Circuit indicating that a work-around could be made by the  
22 Commission itself exercising eminent domain. And we point  
23 out that the statute does not authorize us to do that. And  
24 providing information that applies not just in the Third  
25 Circuit but throughout the country is important, and it's an

1 obligation of this Commission to make sure that our  
2 understanding of our statute that we're administering and  
3 are required to administer is apparent.

4 Mr. Chairman, with that I thank you and I yield  
5 the rest of my time.

6 CHAIRMAN CHATTERJEE: Thank you. Commissioner  
7 Danly?

8 COMMISSIONER DANLY: Thank you, Mr. Chairman. I  
9 have just one very brief comment to make, which is that on  
10 the waiver policy statement, that's a very important  
11 proceeding. And I think it marks a potential return to  
12 fundamentals, and I encourage all interested parties to file  
13 comments.

14 I'll pause simply to note that the mere fact that  
15 the courts haven't spoken in unequivocal language on every  
16 nuance of our regimes doesn't mean that we're not bound by  
17 the Filed Rate Doctrine. And in fact, far from being a  
18 problem if there is some minor uncertainty on the margins,  
19 this proceeding is being instituted for the very purpose of  
20 having the Commission address the legal standards we intend  
21 to apply going forward to relieve the regulated utilities  
22 and all interested parties in proceedings from that  
23 uncertainty.

24 I think it's a very important proceeding, and  
25 people should pay attention to it. That's all I have to

1 say. Thank you.

2 CHAIRMAN CHATTERJEE: Madam Secretary, we are  
3 ready to go to the Consent Agenda.

4 SECRETARY BOSE: Thank you, Mr. Chairman. Since  
5 the issuance of the Sunshine Act Notice on May 14th, 2020,  
6 Items E-12 and C-4 have been struck from this morning's  
7 agenda. Your Consent Agenda for this morning is as follows:

8 Electric Items: E-1, E-2, E-3, E-4, E-5, E-6,  
9 E-7, E-8, E-9, E-10, E-11, E-13, E-14, E-15, E-16, E-17,  
10 E-19, E-20, E-21, E-22, E-23, and E-25.

11 Miscellaneous Items: M-1.

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

13 Certificate Items: C-1, C-2, C-3, C-5, C-6, C-7,  
14 and C-8.

15 As to E-1, Commissioner Glick is concurring in  
16 part and dissenting in part with a separate statement. As  
17 to E-3, Commissioner Glick is dissenting with a separate  
18 statement. As to E-25, Commissioner Glick is concurring  
19 with a separate statement. As to C-1, Commissioner Glick is  
20 dissenting in part with a separate statement. And  
21 Commissioner McNamee is concurring with a separate  
22 statement. As to C-6, Commissioner Glick is dissenting with  
23 a separate statement. As to C-7, Commissioner Glick is  
24 dissenting with a separate statement; and Commissioner  
25 McNamee is concurring with a separate statement. And as to

1 C-8, Commissioner Glick is dissenting with a separate  
2 statement.

3 We are now ready to take a vote on this morning's  
4 Consent Agenda. The vote begins with Commissioner Danly.

5 COMMISSIONER DANLY: I vote aye.

6 SECRETARY BOSE: Commissioner McNamee.

7 COMMISSIONER McNAMEE: I vote aye on all items,  
8 and note my concurrences in C-1 and C-7.

9 SECRETARY BOSE: Commissioner Glick.

10 COMMISSIONER GLICK: Noting my dissents in E-3,  
11 C-6, C-7 and C-8, and my partial dissent in C-1, and my  
12 concurrence in part and dissent in part to E-1, and my  
13 concurrence to E-25, I vote aye.

14 SECRETARY BOSE: And Chairman Chatterjee.

15 CHAIRMAN CHATTERJEE: I vote aye.

16 SECRETARY BOSE: Mr. Chairman, there are no  
17 discussion and presentation items this morning.

18 CHAIRMAN CHATTERJEE: Thank you, Commissioners,  
19 and Madam Secretary.

20 I'd like to close today's meeting by recognizing  
21 Public Service Recognition Week which occurred in early May,  
22 and which we celebrated remotely here at FERC. This week,  
23 which has been organized annually since 1985, honors the men  
24 and women who serve our Nation as federal, state, county,  
25 and local government employees.

1           As Chairman of FERC, I want to personally thank  
2 all of the talented and dedicated FERC staff for their  
3 tremendous contributions to the success of the Commission.  
4 When I joined the Commission, many people talked about  
5 feeling a sense of community at FERC, and I soon came to  
6 understand what they meant.

7           The importance of camaraderie and having a strong  
8 community has never been more clear. Since the start of our  
9 current COVID-19 outbreak status, I've seen and heard  
10 numerous examples of employees using their creativity to  
11 stay connected and share common stories.

12           For example, Sarah McKinley in the Office of  
13 External Affairs has sewn over 300 masks for FERC employees  
14 and their families. She identified a need and put her  
15 talents to work, and we are grateful for her and the  
16 community spirit she reflects.

17           Volunteer groups, including our Employee Resource  
18 Groups, have organized virtual social and informative  
19 events. Colleagues have regularly reached out to one  
20 another to offer assistance and ensure one another's health  
21 and safety.

22           Many employees donated cleaning supplies at the  
23 start of the pandemic to Commission employees who still had  
24 to report to the building. These acts of kindness,  
25 creativity, and simply going above and beyond the call of

1 duty are what creates our strong community and keep us  
2 resilient.

3           As we close out the meeting, it's fitting to  
4 recognize that this week, the third week in May, is National  
5 EMS Week. And last week was Nurses' Appreciation Week. I  
6 think I speak for all of us here at FERC in expressing deep  
7 appreciation for the dedication and selfless service of  
8 these and all front-line heroes out there.

9           I'd like to also acknowledge that it's Asian  
10 Pacific American Heritage Month, when we pay tribute to the  
11 generations of Asian and Pacific Islanders who have enriched  
12 America's history and specifically those who have served at  
13 the Commission and are instrumental to FERC's good work.

14           Finally, I'd like to briefly speak to the fact  
15 that many in our FERC family and the energy sector have  
16 experienced losses, challenges, and disruptions both large  
17 and small, that we could not have fathomed just months ago.

18           As just one example, I want to recognize the 2020  
19 Graduates and their families. Many of our FERC interns,  
20 Commission employees in graduate programs, and children and  
21 family members of FERC staff graduated this month and could  
22 not experience the pomp and circumstance of that important  
23 ritual.

24           I want to send my personal congratulations for  
25 these graduates' hard work and dedication. I've marveled at

1 the creative and poignant ways that families are marking  
2 these milestones. We look forward to what the future holds  
3 for you.

4 Before we conclude, I'd like to turn it over to  
5 my colleagues for any comments they may have, beginning with  
6 Commissioner Glick.

7 COMMISSIONER GLICK: Thank you, Mr. Chairman.  
8 And I just want to reiterate one thing I said earlier,  
9 something to pick up on that you just said, about our team  
10 at FERC, the staff at FERC. I have always said this.  
11 Everyone asks me about what's the best about working at  
12 FERC? And hands down, being able to work with the talented  
13 and extremely bright staff that we have.

14 And during Public Service Week, I think -- or  
15 Public Service Month, I think it's important to recognize  
16 that these people that could be out there in the private  
17 sector making a lot more money than they do at FERC, but  
18 they do it because they have commitments to public service  
19 and a commitment to good public policy, and doing the right  
20 thing. And I'm just very proud to be working -- being able  
21 to work with them. So thank you.

22 CHAIRMAN CHATTERJEE: Commissioner McNamee.

23 COMMISSIONER McNAMEE: Once again, Mr. Chairman,  
24 thank you for your leadership to this process. And I thank  
25 my fellow Commissioners for their work, but I especially

1 thank the Commission staff for everything that they have  
2 been doing throughout this process. And we've shown how  
3 strong we are, and FERC will continue to be strong, and  
4 America will continue to be strong, and I look forward to  
5 when we're all able to get back to normal. Thank you.

6 CHAIRMAN CHATTERJEE: Commissioner Danly.

7 COMMISSIONER DANLY: I have no closing comments.

8 Thank you, Mr. Chairman.

9 CHAIRMAN CHATTERJEE: Thank you all, and with  
10 that this meeting is adjourned.

11 (Whereupon, at 11:01 a.m., Thursday, May 21,  
12 2020, the open meeting of the Federal Energy Regulatory  
13 Commission Commissioners was adjourned.)

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## 1 CERTIFICATE OF OFFICIAL REPORTER

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3 This is to certify that the attached proceeding

4 before the FEDERAL ENERGY REGULATORY COMMISSION in the

5 Matter of:

6 Name of Proceeding:

7 1067th Commission Meeting

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15 Docket No.:

16 Place: Washington, DC

17 Date: Thursday, May 21, 2020

18 were held as herein appears, and that this is the original

19 transcript thereof for the file of the Federal Energy

20 Regulatory Commission, and is a full correct transcription

21 of the proceedings.

22

23

24 Larry Flowers

25 Official Reporter