

## FERC commissioner fires back at House GOP on transmission rule

Four New York Republicans had urged the nation's energy regulator for a "strong final rule" on transmission. But a GOP commissioner raised concerns about shifting costs on to states without explicit consent.

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E&E NEWS PM | The lone Republican on the nation's top energy regulator pushed back Monday against four New York Republicans who had urged the commission to quickly finalize a pending proposal that could generate huge amounts of renewable power.

Mark Christie, who serves on the Federal Energy Regulatory Commission, told the House Republicans it would be "grossly unfair" for FERC to "force consumers" in other states to pay for wind, solar and other renewable projects that their locally elected leaders never got the chance to vote for.

"While I absolutely support the people of New York or any other state in their right to choose any energy policies they want regarding preferred power resources, it would be wrong both as a matter of policy, as well as law, for FERC to use a transmission planning rule to force the costs, for example, of New Jersey's policy-driven offshore wind projects onto consumers in Pennsylvania, Ohio, or other states without the explicit consent of those states," he wrote.

Christie, who's been on the commission since 2021, was responding to a letter that wasn't even addressed to him in the first place.

Rather, the New York GOP lawmakers — Reps. Andrew Garbarino, Anthony D'Esposito, Nicholas Langworthy and Brandon Williams — sent a letter last month to FERC Chair Willie Phillips. They joined more than 100 Democrats who were urging the commission to hurry up and issue its regional transmission planning and cost allocation rule, which FERC has been working on for more than two years. Proponents — namely Democrats — see the rule as a way for the executive branch to try to build out the archaic power grid with renewable power, absent legislation from Congress.

But Christie argued the transmission planning rule — also a priority of Senate Majority Leader Chuck Schumer (D-N.Y.) — "at its core" is about "promoting a specific type of transmission project," commonly known as "public policy projects."

"These are projects designed to implement one or more states' public policies, typically policies that mandate a preferred mix of generation resources such as wind or solar," he wrote. "Such an imposition is contrary to American principles of democracy, a core principle of which is that the people have the right to elect the policy-makers who impose costs on them, so the people can hold them accountable."

He argued "incorporating state input" is not nearly sufficient to protect consumers and that a "predetermined formula" to figure out the cost-sharing voluntary arrangement between states is necessary.

What FERC "must not do," he wrote, "is force a cost allocation on states that have not consented for their consumers to bear the costs of another state's public policy projects." Otherwise, he wrote, lawsuits will ensue. In fact, he's already expecting them: "The proposed rule already contains other highly controversial provisions likely to attract litigation; loading it up with even more legally dubious provisions will only increase the risks in the uncertain future it faces."

Karen Onaran, vice president of the Electricity Consumers Resource Council, said regardless of its original intent the rule needs to address load growth and "anticipating what we'll need 20 years from now."

"There are many more pressures besides public policy that we are starting to understand," she wrote in an email. "We didn't have the [Inflation Reduction Act] when the rule was initially proposed. We did not foresee the rise of AI and its energy needs."

Currently, the five-member FERC commission is down to just three members, two Democrats and one Republican. One of those Democrat's term ends later this year, and the White House has already nominated three new commissioners, who had their first confirmation hearing last week.