

**UNITED STATES OF AMERICA BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

**The Office of Public Participation**

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**Docket No. AD21-9-000**

**COMMENTS OF THE NATIONAL ASSOCIATION OF  
STATE ENERGY OFFICIALS**

The National Association of State Energy Officials (“NASEO”) herby submits comments in response to the Federal Energy Regulatory Commission’s (“Commission” or “FERC”) call for input on how the Commission may establish and operate the Office of Public Participation (“OPP”) pursuant to Section 319 of the Federal Power Act (16 U.S.C. § 825q-1).

**I. INTRODUCTION AND BACKGROUND**

NASEO is composed of the 56 state, territorial and District of Columbia energy offices, whose directors are generally appointed by their governors and are tasked with developing and implementing state energy policies, energy emergency preparedness and response programs, renewable energy, energy efficiency, fossil energy, climate change and energy and economic development programs and policies. In addition to working with their governors, legislators, and the private sector (including all components of the utility sector), the NASEO members work with the National Association of Regulatory Utility Commissioners (“NARUC”) members (the state public utility commissions) in their respective states. The interaction of the state energy planning and policy actions of the State Energy Offices with the state regulatory actions of public utility commissions is analogous to the federal policy actions of the U.S. Department of Energy and the regulatory actions of the Commission. The State Energy Directors inform the governors’ and legislatures’ actions on a range of electricity, natural gas, and technology

advancement decisions, such as the expansion of transportation electrification, investments in offshore wind and storage, renewable electricity standards, cybersecurity, transmission planning, and grid integration. The state energy offices, as part of their role developing and implementing state policies and programs, generally engage in holistic approaches to energy and environmental matters; by definition they are required to be more proactive than reactive. NASEO supported the legislation that created OPP and continues to be very supportive of the establishment of the OPP.

## II. COMMENTS

NASEO encourages FERC to consider state experiences and State Energy Offices' expertise in setting up the structure and scope of the OPP. States, and especially State Energy Offices, act in their *parens patriae* capacity as protectors of the public interest. As leading state agencies on energy policy and programming, State Energy Offices understand the pace of market changes because of state policy actions within their respective states. State Energy Offices also play a large role as conveners of energy sector stakeholders outside of the regulatory proceedings that state public utility commissions oversee. Additionally, they engage with consumer-owned utilities, which often work closely with State Energy Offices and are usually not regulated by the state public utility commissions. In their stakeholder engagements, State Energy Offices engage a wide variety of energy stakeholders, such as environmental justice communities, tribes, local constituencies, industry stakeholders, etc. on a regular basis. NASEO would encourage FERC to engage the State Energy Offices as it is creating the OPP to provide valuable lessons-learned from state experiences. For example, the Michigan Office of the Environmental Justice Public Advocate was created in 2019. The office is tasked with working with communities to improve handling of concerns and enhancing community engagement. Work to date includes engaging

with communities to address equitable application of environmental laws and regulations. The California Energy Commission reviews utilities' Integrated Resource Plan ("IRP") filings to ensure the consideration of disadvantaged communities as established by the California Environmental Protection Agency's ("CalEPA's") CalEnviro Screen tool. These are just two of many examples of State Energy Offices leading the engagement with tribes, environmental justice communities and other affected communities throughout energy policy decision-making processes.

Through their deep knowledge of energy sector stakeholders and affected communities within their respective states, State Energy Offices can provide the OPP with information on which stakeholders should be directly engaged on FERC proceedings and decisions. Conversely, as trusted and well-known entities, State Energy Offices can amplify the outreach of the OPP to the states and deepen the engagement with state energy stakeholders. If FERC creates an Advisory Board for the OPP, State Energy Office Directors would be valuable additions to such a board.

Chairman Glick has already reached out to NASEO and the State Energy Offices. We are encouraged by these efforts. While recognizing FERC's status as an independent agency, continued outreach to NASEO, NARUC, the Department of Energy, EPA and the Department of Interior should be expanded. Holistic approaches to problem-solving would be enhanced by these efforts. These are precisely the type of inclusive efforts envisioned by Senator Shaheen as she spearheaded the legislation that ultimately passed, and has provided the opportunity to create the OPP.

Respectfully submitted,

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