

Resolution on the Importance of Participation in Energy Policy Act of 2005 Electricity Issues

WHEREAS, Numerous federal and State statutes authorize State public utility commissions to decide difficult issues that can have a significant impact on the health, safety, and welfare of communities throughout the United States; *and*

WHEREAS, State commissions throughout the United States have demonstrated significant expertise in addressing energy policy issues, including the ability to balance various factors such as reliability, price stability, financing, security, the benefits of new technologies, and fuel diversity in deciding such issues; *and*

WHEREAS, State commissions have developed and are required to utilize processes employed to make decisions that provide all affected entities and persons with an adequate opportunity to be heard and to fairly present their positions, that provide for reliable factfinding with respect to relevant issues, and that provide for reasoned and unbiased decision making in accordance with the law and the facts; *and*

WHEREAS, The federal court in the case of *Pillsbury Co. v. Federal Trade Commission*, 354 F.2d 953 (5th Cir, 1966) recognized the importance of independent administrative bodies when it stated, “Administrative and judicial adjudications are viable so long as the integrity of the decision making process remains inviolate;” *and*

WHEREAS, Many States have similar established case law that reinforces the need for the independence and integrity of State public utility commission decision making; *and*

WHEREAS, The recently-enacted Energy Policy Act of 2005 requires the Federal Energy Regulatory Commission, the United States Department of Energy, and other federal and State agencies to participate in making various decisions or to engage in other activities, including, but not limited to, the issuance of certain rules, the preparation of certain studies, and the consideration of certain regulatory standards; *and*

WHEREAS, State commissions have the ability to make a significant contribution to the implementation of the Energy Policy Act of 2005 by participating in federal rulemaking proceedings, joint boards, and studies; by providing federal agencies with relevant information about their respective studies; and by appropriately considering standards that Congress has requested the States to examine; *and*

WHEREAS, The implementation of Energy Policy Act of 2005 will have a significant impact on the manner in which electricity service is provided throughout the United States and the manner in which State public utility commissions perform their functions, so that State public utility commissions should be actively involved in the implementation of this important piece of legislation; *now therefore be it*

RESOLVED, That the National Association of Regulatory Utility Commissioners (NARUC), convened in its November 2005 Annual Convention in Indian Wells, California, hereby affirms

its belief that State public utility commissions, working cooperatively with other State, regional, and federal entities as appropriate, have the experience, insight, and processes necessary to make a significant contribution to the implementation of the Energy Policy Act of 2005; *and be it further*

RESOLVED, That NARUC strongly urges all State commissions to actively participate in the process of implementing the Energy Policy Act of 2005 in light of that legislation's far-reaching implications for national energy policy.

Sponsored by the Committee on Electricity

Recommended by the NARUC Board of Directors November 15, 2005

Adopted by NARUC November 16, 2005