



N A R U C
National Association of Regulatory Utility Commissioners

March 30, 2015

The Honorable Tom Wheeler
Chairman
Office of the Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: *NARUC Nomination of New Jersey Board of Public Utilities Upendra J. Chivukula as NARUC's representative to the FCC's Communications Security, Reliability, and Interoperability Council.*

Dear Chairman Wheeler,

As you know, the members of the National Association of Regulatory Utility Commissioners (NARUC) have essential oversight responsibilities over all critical infrastructures as well as a key role in disaster recovery and communications. NARUC had active representatives on the last FCC Communications Security Reliability and Interoperability Council. NARUC also had representatives of on almost all of this FACA's predecessors.

State Commissioners can provide a valuable and unique perspective to the issues the CSRIC will be addressing. In accordance with NARUC's governing procedures, NARUC's current President, the Honorable Lisa Edgar, a Commissioner with the Florida Commission, respectfully nominates New Jersey Board of Public Utilities member **Upendra J. Chivukula** as NARUC's representative on this crucially important federal advisory council.

The FCC CSRIC notice¹ specifies several items that must be included in any nomination request.

First, it requires that the request be submitted to Mr. Jeffery Goldthorp, Designated Federal Official for CSRIC and Associate Bureau Chief, Public Safety and Homeland Security Bureau (PSHSB).

A copy of this nomination is being e-mailed directly to Mr. Goldthorp and Lauren Kravetz, Deputy Designated Federal Official for CSRIC and Deputy Chief, Cybersecurity and Communications Reliability Division, PSHSB.

Second it requires the contact information, name, title, and organization of the nominee

NAME: The Honorable Upendra J. Chivukula

TITLE: Commissioner, New Jersey Board of Public Utilities

¹ *FCC Intends to Recharter the Communications Security, Reliability, and Interoperability Council for a Fifth Two-Year Term; Seeks Nominations by March 31, 2015 for Membership, (February 12, 2013) (DA 15-203), available at: https://apps.fcc.gov/edocs_public/attachmatch/DA-15-203A1.pdf.*

ORGANIZATION: National Association of Regulatory Utility Commissioners

ADDRESS: New Jersey Board of Public Utilities
44 South Clinton Avenue
Post Office Box 350
Trenton, NJ 08625-0350

E-MAIL: upendra.chivukula@bpu.state.nj.us

IMPORTANT NOTE – NARUC respectfully requests that NARUC’s General Counsel, Brad Ramsay, also be included on the mailing list for the CSRIC. His e-mail is jramsay@naruc.org.

TELEPHONE: 609-777-3300

FACSIMILE: 609-777-3330

Third, it requires “a description of the sector or interest the nominee will represent”.

The National Association of Regulatory Utility Commissioners (NARUC) is a quasi-governmental nonprofit organization founded in 1889. NARUC represents government officials in the fifty States, the District of Columbia, Puerto Rico, and the Virgin Islands, charged with the duty of regulating, inter alia, the telecommunications common carriers and other critical gas, electric, and water infrastructures within their respective borders. Both the United States Congress – in federal telecommunications legislation, and federal courts have recognized that NARUC is a proper party to represent the collective interest of the State regulatory commissions. See, e.g., 47 U.S.C. § 410 (1986), where Congress calls NARUC "the national organization of the State commissions" responsible for economic and safety regulation of the intrastate operation of carriers and utilities. Cf, 47 U.S.C. § 254 (1996). See, also, USA v. Southern Motor Carrier Rate Conference, et al., 467 F.Supp. 471 (N.D. Ga. 1979), aff. 672 F.2d 469 (5th Cir. Unit "B" 1982); aff. en banc, 702 F.2d 532 (5th Cir. Unit "B" 1983, rev'd, 471 U.S. 48 (1985). See, also Indianapolis Power and Light Co. v. ICC, 587 F.2d 1098 (7th Cir. 1982); Washington Utilities and Transportation Commission v. FCC, 513 F.2d 1142 (9th Cir. 1976).

State commissions play a critical role in emergency communications and disaster recovery. NARUC already cooperates with the Public Safety and Homeland Security Bureau on critical emergency communications contacts. We also interface regularly with elements of the Department of Homeland Security through our Critical Infrastructure Committee. Commissioner Chivukula will provide a NARUC perspective on the work of the council.

Fourth, the FCC notice indicates organizations should summarize the nominee’s qualifications and reasons why the nominee should be appointed to the CSRIC.

The work of the CSRIC is critical. The New Jersey Board of Public Utilities has, like all commissions, been critically focused on all the issues raised in the CSRIC charter. NARUC is confident that Commissioner Chivukula, who has experience as both an engineer and a policy maker, will be an active and useful addition to the work of the Council. It is self-evident that he can provide the Council with a unique and vital perspective on the issues. A copy of his biography is appended to this letter.

Finally, prior notices required that NARUC confirm that our nominee is not a registered federal lobbyist. I did not see such a requirement in this most recent notice – but I can still confirm that:

Commissioner Chivukula is not a registered federal lobbyist.

If there are any questions about this nomination, please do not hesitate to contact the undersigned at 202.898.2207 or jramsay@naruc.org.

Respectfully Submitted,

James Bradford Ramsay
GENERAL COUNSEL
National Association of Regulatory Utility Commissioners

cc: Daniel Alvarez, *Advisor to the Chairman*
David Simpson, *Chief, Public Safety & Homeland Security Bureau (PSHSB)*
Lisa M. Fowlkes, *Deputy Chief, PSHSB*
David Furth, *Deputy Chief, PSHSB*
Jeffery Goldthorp, *Associate Chief, PSHSB and Designated Federal Officer for CSRIC*
Lauren Kravetz, *Deputy Designated Federal Officer for CSRIC*
Julie Veach, *Chief, Wireline Competition Bureau*

***The Honorable Upendra J. Chivukula
Commissioner, New Jersey Board of Public Utilities***



Mr. Chivukula was born in Nellore (AP), India. Mr. Chivukula received a Bachelor of Engineering Degree in Electrical Engineering from College of Engineering, Chennai, India, and Master of Engineering Degree in Electrical Engineering from City College, New York, and took graduate courses in Electrical Engineering at Rutgers University.

Mr. Chivukula was nominated by Governor Christopher J. Christie as a Commissioner to the N.J. Board of Public Utilities on September 18, 2014 and confirmed by the Senate on September 22, 2014. Prior to his nomination, Mr. Chivukula served in the New Jersey Assembly for 13 years representing the 17th legislative district, where he served as chair of the Assembly Telecommunications and Utilities Committee.

Mr. Chivukula also served as Vice Chairman of the Homeland Security and State Preparedness Committee and the Commerce and Economic Development Committee. He also served as a member of the Environment and Solid Waste Committee.

Mr. Chivukula was a founding member and Co-Chair of the NJ Science & Technology Legislative Caucus and the NJ World Languages & International Studies Legislative Caucus. He was a member of the Commission on Science and Technology, and the Health Information Technology Commissions. Before becoming a state legislator, Mr. Chivukula served as Mayor of Franklin Township for a year and on Town Council for another seven years.

Earlier in his career, Upendra worked as an engineer for AT&T and as a project engineer for Leeds & Northrup building waste treatment plant control. Mr. Chivukula also served on the National Council of State Legislatures and on the Council of State Governments. He also serves on the National Association of Regulatory Utility Commissioners' (NARUC) Committee on Telecom Committee, and is a member of the Mid-Atlantic Conference of Regulatory Utilities Commissioners (MACRUC).