



N A R U C
National Association of Regulatory Utility Commissioners

March 18, 2013

The Honorable Harry Reid
Majority Leader
U.S. Senate
Washington, DC 20515

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
Washington, DC 20515

The Honorable Barbara Mikulski
Chairwoman
U.S. Senate Committee on Appropriations
Washington, DC 20515

The Honorable Richard Shelby
Vice Chairman
U.S. Senate Committee on Appropriations
Washington, DC 20515

Dear Majority Leader Reid, Minority Leader McConnell, Chairwoman Mikulski & Vice Chairman Shelby,

I am writing to express concern with an amendment proposed to the Continuing Resolution (HR 933) which would restrict the ability of federal employees to attend private sector educational meetings and events related to their fields. Specifically, Senate Amendment 67 (The Coburn Amendment) would restrict the number of government employees who can attend any meeting to 25.

The amendment would arbitrarily place a rigid restriction on government employees attending meetings and conferences. The intent of these provisions is laudable; greater transparency and accountability in government spending, especially in this time of fiscal constraint, is crucial. Unfortunately, the amendment as drafted would sweep in federal participation in vital meetings with State governments to share information and coordinate policy.

The National Association of Regulatory Utility Commissioners (NARUC) is one of several non-profit associations representing State government agencies. Almost 125 years ago, a federal agency chief executive established NARUC to among other things, provide a forum where State and federal regulators of telecommunications, energy, and water utilities meet several times a year to discuss coordinating regulatory regimes. Many federal ratemaking agencies, including the Federal Communications Commission and the Federal Energy Regulatory Commission, are NARUC members. In both the telecommunications and energy regulatory space there are overlapping and interlocking jurisdictional oversight regimes.

For example, the NARUC-Federal Energy Regulatory Commission (FERC) Forum on Reliability and the Environment meets at each of NARUC's three yearly meetings. The Forum, which is co-chaired by FERC Commissioners Cheryl LaFleur and Philip Moeller, and NARUC Commissioners Philip Jones of Washington and David Ziegner of Indiana, focuses on a coordinated response to the recent Environmental Protection Agency regulations to assure continued reliability of the electric grid. Indeed, EPA employees are also frequent panelists at NARUC meetings.

Moreover, officials from the Department of Transportation are frequent speakers and participants in our meetings. Transportation Secretary Ray LaHood spoke at a NARUC meeting about ensuring the safety of our pipeline infrastructure. Also, members of the Pipeline and

Hazardous Materials Safety Administration are frequent attendees and often panelists at NARUC meetings.

Similarly, U.S. Department of Energy representatives are always at NARUC meetings to discuss, among other things, electric grid modernization and transmission planning.

The amendment, if enacted as presently drafted, would also potentially undermine coordination of State and federal policy on universal service and broadband deployment. The Telecommunications Act of 1996 established two federal-State joint boards and a joint conference that allows the U.S. Federal Communications Commission (FCC) to take full advantage of the expertise and insight of State Commissioners on key issues where Congress has mandated joint FCC-State deliberations. Those so-called “joint boards,” composed of both federal and State Commissioners, are charged by Congress with the responsibilities of federal administrative law judges and tasked with making critical record-based recommendations on universal service, advanced services, and separations issues. NARUC conferences have served as the most convenient and cost effective venue for these deliberative bodies to meet. State Commissions and the FCC also coordinate on enforcement efforts to protect your constituents and currently are working together to implement a broad reform of the federal universal service program – a reform that cannot succeed without significant coordination.

Arbitrarily capping federal attendance at 25 for any meeting or educational conference will only stymie federal-State progress and coordination of policy addressing these crucial infrastructures. It also will result in both federal and State officials expending more resources to accomplish less satisfactory policy implementation. On its face, the opportunity to attend State government non-profit associations meetings offers significant efficiencies for federal attendees - providing federal policymakers access to, and feedback from, officials from all 50 States and U.S. Territories.

However, if Congress decides to adopt such a cap on federal meeting attendees, it should provide a specific exemption for conferences hosted by organizations representing State and local government. The benefits of governmental coordination are numerous and obvious. As noted earlier, application of these rules to NARUC in particular, will probably result in greater federal (and State) expenditures to assure continued coordination.

We urge you to oppose Senate Amendment 67 to HR 933 and NOT restrict federal participation in meetings and educational events, especially those sponsored by associations representing State and local governments. Thank you for your consideration of this important request. Please contact NARUC Legislative Director Brian O’Hara at (202) 898-2205, bohara@naruc.org, or NARUC General Counsel Brad Ramsay at (202) 898-2207, jramsay@naruc.org, if you would like to discuss this issue further.

Sincerely,



Charles Gray
NARUC Executive Director