

Resolution on Congressional Legislation Establishing the Federal Office of Consumer Advocacy

WHEREAS, The Federal Energy Regulatory Commission (FERC) is an independent agency that regulates the interstate transmission of electricity, natural gas, and oil; FERC also reviews proposals to build liquefied natural gas (LNG) terminals and interstate natural gas pipelines and licenses hydropower projects; *and*

WHEREAS, Individual consumers as well as State public utility policymakers are directly and significantly affected by the decisions made by FERC in its role in monitoring and regulating the interstate transmission of natural gas and electricity; *and*

WHEREAS, The National Association of Regulatory Utility Commissioners (NARUC) has highlighted the impact of the current difficult economic situation on consumers in pursuing the theme “Serving the Public Interest in Changing Times” as its guiding theme for this year; *and*

WHEREAS, It is an accepted and common practice at many State Public Utility Commissions for an independent office of consumer advocacy to participate in proceedings where consumer interests are at stake; *and*

WHEREAS, There is currently no federal funding for an independent Consumer Advocate Office that intervenes in FERC matters to represent the consumer; *and*

WHEREAS, There is proposed Congressional legislation that would establish the federal Office of Consumer Advocacy whose duties would include, but not be limited to: representing energy consumers on matters concerning FERC-jurisdictional rates or service of electricity and natural-gas companies, monitoring and reviewing energy customer complaints and grievances on matters concerning FERC-jurisdictional rates or service of public utilities and natural-gas companies, and investigating within the context of formal FERC proceedings, the FERC-jurisdictional services provided by, the rates charged by such companies, and the valuation of the FERC-jurisdictional properties of electricity and natural-gas companies; *and*

WHEREAS, The National Association of State Utility Consumer Advocates (NASUCA) and the National Consumer Law Center (NCLC) are strong supporters of legislation that would create an independent Federal Office of Consumer Advocacy; *and*

WHEREAS, FERC Chairman Wellinghoff has indicated he supports the creation of the Office of Consumer Advocacy as long as the office is independent and not housed within FERC; *now, therefore be it*

RESOLVED, That the National Association of Regulatory Utility Commissioners, convened at its 2010 Annual Meeting in Atlanta, Georgia, commits to supporting federal legislation that would ensure that energy consumers are represented more formally in the matters before FERC through the establishment of the Federal Office of Consumer Advocacy; *and be it further*

RESOLVED, That any such legislation should clarify that neither the creation of the Federal Office of Consumer Advocacy nor its operation will have any preemptive effect on any existing State regulatory obligation or function, including the States' opportunity to intervene in any proceeding; *and be it further*

RESOLVED, That NARUC supports passage of Congressional legislation to create an independent Federal Office of Consumer Advocacy.

*Sponsored by the Committees on Consumer Affairs, Gas, and
Energy Resources and the Environment*

Recommended by the NARUC Board of Directors November 16, 2010

Adopted by the NARUC Committee of the Whole November 17, 2010