

EL-2/ERE-3 Resolution Urging Congressional Action to Address the Conflict Between Grid Reliability Laws and Environmental Laws and Regulations

WHEREAS, The unexpected loss of electric power can result in significant harm to the environment, as well as human life and welfare; and

WHEREAS, Prior experience shows that in rare and limited circumstances emergency actions are needed to ensure the reliable delivery of electricity; and

WHEREAS, Under Section 202(c) of the Federal Power Act, the Department of Energy (DOE) has the authority to order the emergency operation of electric generating facilities in order to protect the reliability of the electric power grid; and

WHEREAS, Actions to comply with an emergency order from DOE under Section 202(c) could at times conflict with environmental laws or regulations; and

WHEREAS, Compliance with an emergency order from DOE under Section 202(c) may result in civil lawsuits and/or criminal penalties, as has previously occurred, to the company/generator directed to act by DOE in conflict with an environmental law or regulation; now, therefore be it

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2012 Summer Committee Meetings in Portland, Oregon, urges Congress to enact narrow legislation that would resolve conflicts between Section 202(c) and environmental laws and regulations, and would ensure that a company/generator would not have to choose which law with which to comply during a DOE declared emergency.

*Sponsored by the Committees on Electricity and on Energy Resources & the Environment
Adopted by the NARUC Board of Directors July 25, 2012*