



NARUC

National Association of Regulatory Utility Commissioners

April 22, 2026

The Honorable Mike Lee
Chairman
Senate Committee on Energy
and Natural Resources
304 Dirksen Senate Office Bldg.
Washington, DC 20510

The Honorable Martin Heinrich
Ranking Member
Senate Committee on Energy
and Natural Resources
304 Dirksen Senate Office Bldg.
Washington, DC 20510

Dear Chairman Lee and Ranking Member Heinrich:

The National Association of Regulatory Utility Commissioners (NARUC) is the national organization representing the state public service commissions that oversee utilities providing essential energy, telecommunications and water services in the 50 states, the District of Columbia and U.S. territories. NARUC members carry out their duties in the public interest and help shape the profile and substance of utility regulation in the United States. As Congress considers major legislation that could reform energy permitting processes, we urge the Senate Energy and Natural Resources Committee to ensure that NARUC members' views are fully considered during your deliberations. State regulators stand ready to provide feedback on legislative proposals that could affect the states' ability to protect our shared constituents, especially those proposals that may preempt state authority to permit and site electric transmission projects.

NARUC agrees that meaningful federal permitting reform is important to addressing rising demand. The Committee has correctly focused on amending existing federal laws to help solve for the real and significant issues that have stifled energy delivery and contributed to rising electricity costs across the United States. Of particular note is possible reform of certain federal laws such as the National Environmental Policy Act which have too often unreasonably delayed infrastructure projects needed for the safe and reliable delivery of energy to consumers. So long as "permitting reform" is defined as streamlining federal processes that are negatively affecting the feasibility of necessary projects, members of your committee will likely find much support among the state regulatory community. However, if "permitting reform" is defined as preempting state oversight of infrastructure siting, then our members will largely view it as counterproductive to both efficiency and to the best interests of consumers and impacted landowners.

It is important to emphasize that delays to building energy infrastructure have largely been the result of federal agencies and processes, not state ones. Put simply, state siting

and permitting processes are generally working well relative to federal permitting. From 2020 through 2025, approximately 2,930 miles of new high-voltage (345 kV and above) transmission lines were built in the United States.¹

Comparing the number of miles of electric transmission lines constructed in the U.S. (where states have jurisdiction) to the number of miles of interstate natural gas pipelines (where the Federal Energy Regulatory Commission (FERC) has jurisdiction) is illustrative. According to publicly available FERC data, the agency has authorized 1,329 miles of new pipelines total between 2020 and 2025.² Put another way, over twice as many miles of state-permitted high-voltage electric transmission lines were placed into service as compared to the miles of natural gas pipelines that have been permitted over the last six years. By-and-large, it is simply not the case that states are laggards compared to the federal government when it comes to efficiently permitting energy infrastructure.

In our experience, it is often not state regulatory processes that add undue delay to projects, it is the creation of a federal jurisdictional nexus. Under existing federal law, when a state-approved transmission project triggers this nexus, such as when a project crosses federally managed land, it means that federal statutes and agencies become involved. This in turn can lead to federal litigation and attendant delays. This is problematic anywhere federal public lands are involved, but is particularly noteworthy throughout the Western U.S. If Congress wishes to make improvements to infrastructure permitting, this is the place to start; to reform federal processes themselves, rather than preempting states.

State commissions wish to preserve cooperative federalism in the energy permitting space. Backstop siting authority already exists in federal law for the limited number of projects that may qualify for it. Legislation that further expands federal siting and which weakens the states' ability to oversee these major projects flies in the face of that spirit of cooperative federalism.

Moreover, even if Congress successfully reforms the federal permitting statutes that have hindered needed infrastructure projects, we strongly urge you to resist any effort to concentrate even more authority over local siting decisions in the federal government. The federal government generally, and the FERC specifically, are poorly situated to process electric transmission permits.

¹ <https://cms.ferc.gov/media/energy-infrastructure-update-december-2022>; <https://cms.ferc.gov/media/energy-infrastructure-update-october-2021-0>; <https://cms.ferc.gov/media/energy-infrastructure-update-january-2023-0>; <https://cms.ferc.gov/media/energy-infrastructure-update-december-2024-revised-data-april-22-2025>; <https://cms.ferc.gov/media/energy-infrastructure-update-december-2025-0>

² <https://www.ferc.gov/industries-data/natural-gas/approved-major-pipeline-projects-1997-present>

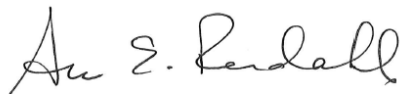
States use the permitting process to resolve landowner concerns with transmission developers. Giving this process to the FERC will undoubtedly hinder a landowner's ability to provide meaningful input. Electric transmission projects can be controversial wherever they are proposed, and frankly, electric transmission lines tend to engender greater landowner concerns than pipelines given their generally greater visual imposition on the landscape. But at least with state-led permitting, affected landowners, individuals and communities have access to a local process to have their concerns heard.

A federal process affords no such relief. Intensely impactful decisions that affect average Americans would be made at a faraway agency, by people who likely have no connection to the land or people living near where these major projects are proposed and constructed. Unlike project developers, these citizens do not have teams of representatives advocating for them at the FERC. They typically have only themselves to make themselves heard. With a state permitting process, these citizens have a better chance to make their voices heard, not only during the permitting process, but during the construction and operations phases also. When landowners feel sidelined, local resistance grows, which ultimately makes all needed projects more difficult to build. States are much better positioned to address and balance these local concerns.

Giving the FERC additional broad authority over permitting electric transmission lines would necessitate a major expansion of agency hiring since it would be assuming a new role that dwarfs the work now handled by its existing Office of Energy Projects. In total, state preemption will exacerbate the frustration felt by impacted communities, while straining an already overextended federal bureaucracy. The net effect will be longer delays in permitting rather than any sort of streamlined process.

NARUC appreciates your interest in these important matters and stands ready to assist your offices in crafting legislation that meets the national goal of ensuring that needed energy projects are built efficiently, while also ensuring that those individuals who live closest to the projects have their interests heard.

Sincerely,



Hon. Ann Rendahl
NARUC President
Commissioner, Washington Utilities &
Transportation Commission



Tony Clark
Executive Director