

Substantive Resolutions

**Submitted for Consideration by the NARUC Standing
Committees**

at the

**February 23 – 26, 2025
NARUC Winter Policy Summit
in Washington, D.C.**

If you are interested in this resolution, you should read the entire draft and not rely on the truncated description in the Table Contents.

Note – these resolutions do not become NARUC policy unless and until they are passed by the NARUC Board of Directors. Also, one or more may change substantially during consideration.

**If you have any questions, call or email Brad Ramsay – NARUC GC at 202.257.0568 or
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I. Electricity Committee

EC-1 [TC-1 & ERE 2] Resolution on Utility Demand Response Communications **Page 4**
(0206 11:21 am version received from Commissioner Freeman)

Resolution supports the primary role of states to determine whether utility demand response communications should be deployed on an opt-out basis and urges the FCC to clarify that utilities may rely on “prior express consent” under the TCPA to make non-telemarketing, informational “demand response” calls and texts to their subscribers, absent instructions to the contrary from the subscriber.

Sponsors: Commissioner Freeman

EC-2 Resolution on NARUC Subcommittee on Clean Coal & Carbon Management **Page 6**
(0206 10:57 am version from Commissioner Throne)

Resolution renames “Subcommittee and Staff Subcommittee on Clean Coal and Carbon Management” to the “Subcommittee and Staff Subcommittee on Coal and Carbon Innovation” and alters its charge to: “As demand grows for low carbon sources of fuel, NARUC formed the Subcommittee and Staff Subcommittee on Coal and Carbon Innovation to explore ways to promote the use of advanced coal technologies, as coal continues to be a plentiful and reliable domestic energy resource, and to manage carbon, including its transport. This Committee helps educate NARUC members on the issues surrounding coal usage and new developments for carbon sequestration and storage.”

Sponsor: Commissioner Throne

EC-3 Resolution on Electricity Consumers’ Need for Effective Oversight of Costs for Replacing Aging or Obsolete Transmission Infrastructure **Page 7**
(0220 6:00 pm edits from Commissioner Patrick Scully)

Resolution urges FERC to act swiftly to put in place effective and robust transmission cost management and oversight processes for “end of life” or “asset condition” transmission projects in RTO regions when requested by states within the region, with recovery of associated costs borne by those regions.

Sponsor: Commissioner Patrick Scully

EC-4 Resolution to Change the Name of the NARUC “Subcommittee on Nuclear Issues-Waste Disposal” to the NARUC “Subcommittee on Nuclear Energy” **Page 9**
(0114 2:24 pm version from Kiera Zitelman)

Resolution changes the name of the NARUC “Subcommittee on Nuclear Issues-Waste Disposal” henceforth to the NARUC “Subcommittee on Nuclear Energy”.

Sponsor: Commissioner Skrmetta.

II. Energy Resources and the Environment

ERE-1 Resolution Supporting the Integration of Advanced Transmission Technologies in the Electricity Transmission System **Page 10**

(02/14 12:58 pm version from Commissioner Jehmal Hudson.)

Resolution recognizes the technical potential and benefits to ratepayers of the holistic deployment of ATTs, and supports Congress appropriating sufficient funds to support utilities, RTOs/ISOs, and States with the deployment of ATTs, through e.g., Grid Resilience and Innovation Partnerships Programs after funding exhausts in 2025.

NOTE: This resolution passed NARUC in November. This version is identical to the November version except for the addition of “advanced steel cores” in the sixth Whereas. However, it was received past the deadline in the NARUC bylaws. If a point of order is raised before the Board, it will have to pass by a 2/3rd vote of those present. Abstentions count as “no” votes for purposes of reaching a 2/3rds majority.

Sponsor: Commissioner Hudson

ERE-2 [TC-1 & EL-1] Resolution on Utility Demand Response Communications **Page 4**
(0206 11:21 am version received from Commissioner Freeman)

See description under EL-1. Sponsor: Commissioner Hudson

ERE-3 [EC-3 & EL-3] Resolution on Electricity Consumers’ Need for Effective Oversight of Costs for Replacing Aging or Obsolete Transmission Infrastructure **Page 7**
(0220 6:00 pm edits from Commissioner Patrick Scully)

See description under EL-3. Sponsor: Commissioner Hudson

III. Telecommunications Committee

TC-1 {EC-1} Resolution on Utility Demand Response Communications **Page 4**
(0206 11:21 am version received from Commissioner Freeman)

See description under EL-1. Sponsor: Commissioner Freeman

TC-2 Resolution on Copper Theft and Vandalism **Page 12**
(0204 5:39 pm version from Commissioner Charles)

Resolution (i) supports federal & state efforts to strengthen laws & enhance penalties for theft & vandalism on communications infrastructure, (ii) encourages members to collaborate with state legislatures, local governments, the federal government, law enforcement, the communications & scrap metal industry to raise awareness, implement solutions that protect infrastructure, enforce ethical scrap metal dealer practices, and support prosecutions; (iii) encourages industry to provide regular reports with aggregated statewide data on acts of thefts & vandalism to assist policy makers advocate for solutions, (iii) encourages Congress to protect communications networks similar to other critical utility infrastructure by criminalizing theft & vandalism, and (iv) encourages all stakeholders to prioritize the security & resilience of communications networks.

Sponsors: Commissioners Karen Charles, Mary Pat Regan, Michael Caron, Dan Conway & Tim Schram.

EC-1 TC-1 Resolution on Utility Demand Response Communications

Whereas in December 2024, the North American Electric Reliability Corporation (“NERC”) projects that peak electricity demand will grow by 132 GW during the next decade (up from 80 GW projected in the 2023 assessment).¹ NERC further emphasized that “demand growth is now higher than at any point in the past two decades. Increasing amounts of large commercial and industrial loads are connecting rapidly to the [bulk power system]. “The size and speed with which data centers (including crypto and AI) can be constructed and connect to the grid presents unique challenges for demand forecasting and planning for system behavior”²

Whereas within the last year, several U.S. utilities and ISO/RTOs significantly increased their peak demand forecasts, driven in large part by a surge in data centers, manufacturing, and electrification;³

Whereas demand response programs play an increasingly important role in keeping the electricity grid stable and efficient, and reducing the risk of blackouts;⁴ reducing the need for investment in generation, transmission and distribution systems; and delivering economic benefits to consumers;

Whereas demand response programs can reward consumers for actively changing their energy use behaviors during events such as a “peak time rebate” (“PTR”) program in which the utility alerts its customers in advance of anticipated peak demand on the utility’s grid, and coaches its customers on the ways they can shift or reduce energy consumption during peak hours;

Whereas PTR events are a preventative measure intended to more effectively and affordably manage an increasingly stressed grid and to avoid future brownouts and excessive spending on new capital investments;

Whereas peak event communications have the added value of allowing all consumers – regardless of income level or home ownership – to participate and be rewarded for reducing peak demand;

Whereas, available data shows high satisfaction among participants in demand response programs that use calls or texts, with low opt-out rates, indicating a positive impact on customer experience;

¹ NERC’s projected summer peak demand forecast for all assessment areas is expected to rise by 15% for the 10-year period: 132 GW this LTRA up from over 80 GW in the 2023 LTRA. The aggregated winter peak demand is expected to rise over approximately 18% for the 10-year period: 149 GW this LTRA up from almost 92 GW in the 2023 LTRA.2024. Long-Term Reliability Assessment, NERC, at 8 (Dec. 2024), https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_Long%20Term%20Reliability%20Assessment_2024.pdf.

² 2024 Long-Term Reliability Assessment, NERC, at 8 (Dec. 2024), https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_Long%20Term%20Reliability%20Assessment_2024.pdf.

³ 2023 Long-Term Reliability Assessment, NERC, at 69, 120, 125 (Dec. 2023), https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_LTRA_2023.pdf (emphasis added).

⁴ See *Demand-side management programs save energy and reduce peak demand*, U.S. Energy Information Administration (Mar. 29, 2019), <https://www.eia.gov/todayinenergy/detail.php?id=38872>; *Annual Electric Power Industry Report, Form EIA-861 detailed data files*, U.S. Energy Information Administration, <https://www.eia.gov/electricity/data/eia861/> (last updated Oct. 10, 2024).

Whereas a 2022 clarification to a 2016 Declaratory Ruling (“DR”)⁵ by the Federal Communications Commission (“FCC”) finding that there is a presumption that utilities have prior express consent under the Telephone Consumer Protection Act (TCPA) when utility customers provide a utility with their phone numbers. This has created confusion over the use of these communications for demand response programs and given the significant potential of liability associated with violations of the TCPA has stalled the use of this tool; *and*

Whereas having a presumption of prior express consent allows for utilities to efficiently enroll customers on a mass scale in demand response programs while empowering customers with the choice to opt-out of demand response program, alternatives to opt-out enrollment (e.g., mass marketing campaigns) are expensive and far less effective; *now, therefore be it*

Resolved that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2025 Winter Policy Summit in Washington, D.C., supports the primary role of states in determining whether or not utility demand response communications should be deployed on an opt-out basis; *and be it further*

Resolved that NARUC supports the FCC clarifying that utilities may rely on “prior express consent” under the TCPA to make non-telemarketing, informational “demand response” calls and texts to their subscribers, absent instructions to the contrary from the subscriber. Confirming that such communications are “closely related” to the utility service is in the public interest because it would: (1) remove existing confusion stemming from the FCC’s 2016 DR; (2) help ensure that utilities can continue to provide safe, reliable, and efficient service to consumers; and (3) help insulate consumers from increased utility bills.

Passed by the Committees on Electricity and Telecommunications on February __, 2025.

Adopted by the NARUC Board of Directors on February __, 2025.

⁵ 2016 DR ¶¶ 29-31.

EC-2 Resolution on NARUC Subcommittee on Clean Coal and Carbon Management

Whereas the Subcommittee and Staff Subcommittee on Clean Coal and Carbon Management (“Subcommittee and Staff Subcommittee”) were created in 2008 with the purpose and scope as follows: “As demand grows for cleaner sources of fuel, NARUC formed the Clean Coal and Carbon Management Subcommittee to explore ways to promote the use of lower-emission coal, as coal continues to be the nation's most plentiful fuel source. This Committee helps educate NARUC members on the issues surrounding coal usage and new developments for carbon sequestration and storage”;

Whereas coal has been a significant contributor to safe, reliable, and affordable U.S. electricity and economic growth;

Whereas the role of coal in the electricity sector has evolved and continues to change due to regional, national, and global economic and market circumstances;

Whereas the term “clean coal” lacks a broadly accepted definition;

Whereas this may lead to confusion about the Subcommittee and Staff Subcommittee’s purpose;

Whereas the U.S. Department of Energy, Office of Fossil Energy and Carbon Management has sustained an enduring cooperative partnership with NARUC, via the Subcommittee, to promote educational activities for state utility regulators on issues related to the coal-fired power fleet; now therefore be it

Resolved that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2025 Winter Policy Summit in Washington, D.C., commends the Subcommittee and Staff Subcommittee on Clean Coal and Carbon Management for their work to date; *and be it further*

Resolved that this Subcommittee and Staff Subcommittee shall be known as the Subcommittee and Staff Subcommittee on Coal and Carbon Innovation from this date forward; *and be it further*

Resolved that the purpose and scope shall change as follows: “As demand grows for low carbon sources of fuel, NARUC formed the Subcommittee and Staff Subcommittee on Coal and Carbon Innovation to explore ways to promote the use of advanced coal technologies, as coal continues to be a plentiful and reliable domestic energy resource, and to manage carbon, including its transport. This Committee helps educate NARUC members on the issues surrounding coal usage and new developments for carbon sequestration and storage.”

Passed by the Committee on Electricity on February __, 2025.

Adopted by the NARUC Board of Directors on February __, 2025.

EC-3 Resolution on Electricity Consumers' Need for Effective Oversight of Costs for Replacing Aging or Obsolete Transmission Infrastructure

Whereas when transmission infrastructure is damaged, aging or obsolete, transmission operators may act to replace or repair this transmission infrastructure, referred to as “end of life” or “asset condition” projects;

Whereas “end of life” or “asset condition” projects are not subject to the same transmission planning process requirements as other Federal Energy Regulatory Commission (“FERC”)-jurisdictional transmission projects;⁶

Whereas transmission operators may seek a return of and on their costs for “asset condition” projects through their transmission rates, with very limited stakeholder or state review;

Whereas the cost of “end of life” or “asset condition” projects is a significant and growing component of electricity consumers’ bills, and in some regions is increasing at a rapid rate, which dwarfs consumer spending on transmission needed for emerging reliability issues, with an estimated 50% of the \$25 billion invested in transmission nationwide in 2023 attributable to local projects not subject to regional planning processes;⁷

Whereas by one estimate, regional investment in these types of projects grew in the PJM Interconnection region from 9% of total spending between 2005-2013 to 73% of total spending between 2014-2023; increased in the ISO-NE region eightfold from 2016-2023; increased in the MISO region from 54% of total spending in 2017 to 78% in 2022; and represented 63% of the spending in the CA-ISO region;⁸

Whereas electricity consumers who pay for transmission infrastructure deserve meaningful oversight of such spending to enable confidence that their investment is both needed and cost-effective;

Whereas regulators and consumers often lack visibility into why a particular “end of life” or “asset condition” project is needed, the reasons why the transmission owner chose the solution that it did to address that need, or sufficient advanced notice of transmission owner replacement plans to have a voice in the process;

Whereas FERC nonetheless places the burden of oversight on consumers and other stakeholders by assuming that all “end of life” or “asset condition” project spending is reasonable absent a time-consuming, complicated, and costly federal regulatory “challenge” that states, consumers and other stakeholders often lack the resources and expertise to make;⁹ *and*

⁶ See *PJM Interconnection L.L.C.*, 173 FERC ¶ 61,242 (2020) at P 56; *So. Cal. Edison Co.*, 164 FERC ¶ 61,160 (2018) at P 33; *Cal. Pub. Util. Comm’n.*, 164 FERC ¶ 61,161 (2018) at P 68.

⁷ See, e.g., *Annual U.S. Transmission Investments, 1996-2023*, Brattle Group, 2023, <https://www.brattle.com/wp-content/uploads/2023/07/Annual-US-Transmission-Investments-1996-2023.pdf>.

⁸ See *Mind the Regulatory Gap*, Rocky Mountain Institute, 2024, <https://rmi.org/insight/mind-the-regulatory-gap/>

⁹ See, e.g., *Missouri ex rel. Southwestern Bell Telephone Co. v. Missouri Pub. Serv. Comm.*, 262 U.S. 276, 289 n. 1 (1923) (finding that a utility’s costs are presumed to be prudently incurred); *Minnesota Power & Light Co.*, 11 FERC ¶ 61,312, at pp. 61,644–45 (1980) (“As a matter of practice, utilities seeking a rate increase are not

Whereas, robust transmission cost management and oversight could be improved by creating a transparent process overseen by the RTO similar to that which is used for reliability projects, putting resources toward an active regulatory role, creating an impartial expert entity that would closely review proposed transmission projects and cost recovery and provide relevant information to stakeholders who might be interested in challenging those costs, or creating some other vehicle to ensure effective oversight of these currently unreviewed consumer costs; *now, therefore be it*

Resolved that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2025 NARUC Winter Policy Summit in Washington, D.C., urges the Federal Energy Regulatory Commission to act swiftly to put in place effective and robust transmission cost management and oversight processes for “end of life” or “asset condition” transmission projects in RTO regions when requested by states within the region, with recovery of associated costs borne by those regions.

Passed by the Committee on Electricity on February __, 2025.

Adopted by the NARUC Board of Directors on February __, 2025.

required to demonstrate in their cases-in-chief that all expenditures were prudent unless the Commission's filing requirements, policy or precedent otherwise require.”). A challenger can shift the burden of proof back to the utility by raising “serious doubt” about the prudence of the expenditure. Even where a challenger brings specific evidence of imprudence, the Commission rarely shifts the burden back to the utility. *See, e.g., Pacific Gas and Electric Co.*, 173 FERC ¶ 61,045 at PP 165–181 (2020).

EC -4 Resolution to Modify and Change the Name of the NARUC Subcommittee on Nuclear Issues – Waste Disposal Henceforth to the NARUC Subcommittee on Nuclear Energy

Whereas improvements in the field of advanced nuclear energy give cause to alter the name of the NARUC Subcommittee and Staff Subcommittee on Nuclear Issues – Waste Disposal and it is therefore appropriate to amend and rename the Subcommittee and Staff Subcommittee;

Whereas spent nuclear fuel is and shall remain an important issue for this Subcommittee, dynamic change in the field of advanced nuclear energy has expanded opportunities for increased inclusion of various advanced nuclear power systems in the resource planning for the nation’s electricity needs:

Whereas Federal and various State restrictions and impediments to the expansion of advanced nuclear energy should be thoroughly explored and efforts made to improve pathways for deployment of advanced nuclear energy through meaningful re-regulation that advances implementation:

Whereas consumers should always be kept in mind when seeking to deploy power resources and therefore close attention and efforts shall be made to explore all avenues of reasonable finance and cost recovery of advanced nuclear energy:

Whereas advanced nuclear energy serves as a proven resource for the provision of baseload electrical power to the consumers of the United States of America:

Whereas advanced nuclear energy serves as an emission-free power system that can assist the nation to achieve its goals of achieving a net zero carbon dioxide balance:

Whereas the inclusion of nuclear energy in integrated resource planning can assist the nation in providing reliable, stable and affordable electric power to consumers when it is teamed with other generating systems:

Resolved, that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2025 Winter Policy Summit in Washington, DC, approves the name change of the NARUC Subcommittee and Staff Subcommittee on Nuclear Issues – Waste Disposal henceforth to the Subcommittee and Staff Subcommittee on Nuclear Energy.

Passed by the Subcommittee on Nuclear Issues – Waste Disposal on February X, 2025 and by the Committee on Electricity on February X, 2025.

Adopted by the NARUC Board of Directors on February X, 2025.

ERE – 1 Resolution Supporting the Integration of Advanced Transmission Technologies in the Electricity Transmission System

Whereas North American Electric Reliability Corporation (NERC) in its 2023 Long-Term Reliability Assessment found growth rates of forecasted peak demand and energy have risen significantly since the 2022 assessment, projecting peak demand for electricity to increase by 9.19% over the next ten years;

Whereas according to market monitor data from annual market reports, transmission congestion costs across the seven organized markets in the U.S. have risen significantly over the past eight years, more than doubling since 2016;

Whereas Lawrence Berkeley National Laboratory data shows that there are over 2,000 gigawatts of generation and storage projects waiting to connect to the grid, with queue times more than doubling from below two years in 2008 to over five years in 2022;

Whereas the U.S. Department of Energy (DOE) National Transmission Needs study found that the U.S. needs to expand regional transmission capacity by 20-128%, and interregional capacity by 25- 412% by 2035;

Whereas the US economy requires 24/7 low-cost, reliable electricity to maintain competitiveness in global markets;

Whereas Advanced Transmission Technologies (ATTs), which include, but are not limited to advanced power flow controls, dynamic line rating, and topology optimization, commonly referred to as Grid Enhancing Technologies (GETs), and High-Performance Conductors (HPCs), which include carbon and composite core conductors, advanced steel cores, and superconductors, offer affordable, innovative technological solutions to reduce costs by unlocking critical transmission capacity in the near term;

Whereas the 2024 DOE Innovative Grid Technology Liftoff Report found ATTs are commercially available and have been deployed internationally for years and that GETs and HPCs provide multiple benefits to consumers, including that GETs can increase utilization on new and existing transmission lines by 16% or more; reduce congestion by 50% or more; and save over \$5 billion in production cost savings annually, while DOE also found reconductoring with HPCs could double the capacity of existing transmission lines at approximately half the cost of building a new transmission line, and if deployed nationally could meet NERC’s 10-year peak load growth projections;

Whereas the federal government, States, and industry can work together to accelerate the use of these new innovative technologies to affordably expand the transmission capacity needed to maintain reliability and meet growing electricity demand; *now, therefore be it*

Resolved that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2025 Winter Policy Summit in Washington, D.C., recognizes the need to ensure the reliability and cost-effectiveness of the transmission system, that there are technical potential and benefits to utility ratepayers of the holistic deployment of ATTs such as GETs and HPCs across their systems, and supports Congress appropriating sufficient funds to

support utilities, Regional Transmission Organizations/Independent System Operators, and States with the deployment of ATTs, such as through the Grid Resilience and Innovation Partnerships Programs, for deployments, technical assistance, and research, after funding from the bipartisan Infrastructure Investment and Jobs Act is exhausted in 2025.

Passed by the Committee on Energy Resources and the Environment on February __, 2025.

Adopted by the NARUC Board of Directors on February __, 2025.

TC-2 Resolution on Copper Theft and Vandalism

Whereas an increasing wave of vandalism, theft and intentional acts of damage now target America's communications networks, which is the critical infrastructure of daily life, supporting public safety, healthcare, and economic activity;

Whereas communications networks are essential for emergency response systems, law enforcement coordination, and critical government operations, and their disruption due to vandalism and theft jeopardizes public safety, imposes significant costs on providers, consumers, and the American economy, and jeopardizes billions of dollars of broadband investment made by Congress;

Whereas incidents of theft, vandalism and damage have significantly increased, with nearly 4,000 incidents occurring in a three-month period in 2024, affecting hundreds of thousands customers and costing communications providers millions of dollars in repairs;

Whereas these attacks impact both copper and fiber-optic lines, wireless communications towers and small cells, and other related equipment causing service disruptions that affect rural, suburban and urban communities alike, intrastate and interstate commerce, and compromise public access to critical services and safety resources;

Whereas addressing this urgent issue requires collaboration across sectors, including local and state governments, federal and states law enforcement, the communications industry, and the scrap metal industry;

Whereas some states have adopted stricter laws, enhanced penalties and enforcement measures, while others lack specific laws addressing damage to critical communications infrastructure, highlighting the need for comprehensive legislation and coordinated efforts;

Whereas communications providers are investing in surveillance systems, tracking devices, security personnel, and other measures to protect their infrastructure, and the scrap metal industry must enforce business practices aimed at preventing the laundering of stolen materials;

Whereas partnerships with federal and state law enforcement are crucial for investigating, tracking, and prosecuting infrastructure thefts to help protect essential services and reduce the impact of service outages; *and*

Whereas criminalizing this behavior at the federal level and strengthening and modernizing state laws will create stronger deterrents and ensure the security and resilience of the vital networks that Americans rely on daily; *now, therefore be it*

Resolved that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2025 Winter Policy Summit in Washington, D.C., supports federal and state efforts to strengthen and modernize laws and enhance penalties to address the growing threat of theft and vandalism on critical communications infrastructure; *and be it further*

Resolved that NARUC encourages its member commissions to collaborate with state legislatures, local governments, the federal government, law enforcement, the communications industry, and

the scrap metal industry to help raise awareness of this issue and assist in efforts to implement comprehensive solutions that protect infrastructure, enforce ethical practices among scrap metal dealers, and support the prosecution of offenders; *and be it further*

Resolved that NARUC encourages industry to provide regular reports with aggregated statewide data on acts of thefts and vandalism to assist NARUC members and other policy makers to advocate for comprehensive solutions to this threat on critical communications infrastructure ; *and be it further*

Resolved that NARUC encourages Congress to protect communications networks similar to other critical utility infrastructure, including energy facilities and transportation systems, by criminalizing at the federal level acts of theft and vandalism and thus treating damage to communications networks similar to willful and malicious destruction of federal-government-operated and controlled communications; *and be it further*

Resolved that NARUC encourages all stakeholders to prioritize the security and resilience of communications networks to ensure the continued provision of critical services and the safety of the public.

Passed by the Committee on Telecommunications on February __, 2025.

Adopted by the NARUC Board of Directors on February __, 2025.