



N A R U C
National Association of Regulatory Utility Commissioners

January 7, 2021

Phillip Washington
Team Lead
Biden-Harris Department of Transportation Agency Review Team
Presidential Transition Headquarters
Washington, DC

**Re: Assistance for the Biden-Harris Department of Transportation
Agency Review Team**

Dear Mr. Washington:

Congratulations on winning a difficult election. While there is a lot of work to be done, the National Association of Regulatory Utility Commissioners (NARUC) is here to help. My colleagues and I are eager to get to work with the Biden Administration to tackle the nation's pressing utility issues.

NARUC has a unique perspective and valuable expertise to offer. For over 125 years, NARUC member utility commissions from every state, the District of Columbia and all U.S. Territories, have led the way in developing and implementing novel policies to promote the deployment of all utility services, including electric and gas. More often than not, these state programs have been the prototypes for cutting edge Congressional or federal agency initiatives involving critical infrastructures. That has made NARUC a gateway to an expanse of expertise and practical experience. With over 200 state utility commissioners, and an enormous pool of staff experts, NARUC can offer unparalleled access to professional analysis and practical experience to the Administration. We provide an unbiased source of information, free of competing business agendas, in any policy debate.

Looking towards the year ahead, NARUC has several key priorities, a number of which align well with the objectives of your Administration. In particular, our nation's infrastructure needs are a huge concern across all utility sectors. The electric grid and natural gas pipeline system deliver tremendous amounts of energy that support economic growth and daily activities. The state of our nation's utility infrastructure is aging and in dire need of repair, which presents not only a reliability issue, but a safety concern as well.

Along those lines, NARUC looks forward to continuing its relationship with the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA), which plays an important role, along with the states, in ensuring that the nation's pipeline infrastructure remains safe. NARUC has a close working relationship with PHMSA within a well-established state-federal partnership. NARUC Commissioners play a key role in PHMSA's Gas Pipeline and Liquid Pipeline Advisory Committees that provide input on PHMSA rulemakings. However, this partnership has an inequitable financial relationship as the states have responsibility for approximately 80% of the nation's pipeline facilities and receive reimbursement for expenditures of approximately plus/or minus 56-60%, in a given year. Federal law currently allows for "up to 80%" reimbursement. Therefore, we believe the states are grossly under reimbursed for our efforts. To ensure the nation's pipeline infrastructure continues to operate as safely as possible, we request that the Biden Administration work with us to correct the inequity of the funding in this state-federal partnership. The recently enacted PIPES Act of 2020 authorization of appropriations amounts begin the process of correcting this funding inequity and NARUC would like to work with the Biden Administration to build on that foundation. If your schedule permits, we would like to arrange a virtual meeting with you and the Agency Review Team to discuss these concerns about the state-federal partnership.

In the meantime, NARUC recommends the new Administration consider appointing state commissioners to vacancies at DOE, FERC, and related posts in other federal agencies. State commissioners live at the bleeding edge of energy policy formation. They are tested. They have real world experience. They routinely experience the unexpected and, less often, counterproductive consequences of well-meaning federal policy. NARUC has well in excess of 200 state commissioners with incredible diversity in political affiliations, academic credentials, professional experience, and cultural heritage. As serving commissioners, they have all been vetted by the press and have on-the-job training. The majority of commissioners that are appointed by a governor or selected by a state legislature have also survived a separate vetting process before taking office. NARUC can help you identify suitable candidates. Indeed, the accomplishments of former FERC Commissioner Collette Honorable, also a State commission alumna, is an illustration of why prior administrations have frequently appointed a disproportionate share of State commissioners to FERC, the Federal Communications Commission, and the Nuclear Regulatory Commission.

The appendix contains the names and contact information for key NARUC Commissioners from every region of the country, as well as NARUC's Washington-based policy and partnerships staff. You should feel free to contact me personally at any time if you have any questions or concerns.

Also, NARUC's next national meeting will be held virtually on February 4 -11, 2021. Typically drawing more than 1,000 attendees, we would be very pleased to provide the Administration with a platform, in a plenary session, to address the Administration's energy

agenda with senior state officials and key stakeholders, as well as views on cooperative work with NARUC's member commissions.

Again, congratulations to you and the Agency Review Team for being chosen for the critical task of beginning the implementation of the new Administration's energy policy agenda. NARUC looks forward to working with you, the transition team, and the new Administration.

Sincerely,

A handwritten signature in blue ink that reads "Paul Kjellander". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Paul Kjellander
NARUC President

**APPENDIX
KEY CONTACTS FOR THE
NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS**

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Gas Pipeline Advisory Committee

Diane Burman, Commissioner, New York
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David W. Danner, Chair, Washington
Utilities and Transportation
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Peter A. Chace, Gas Pipeline Safety Program
Manager, Public Utilities Commission
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Liquid Pipeline Advisory Committee

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Commission
ethan.kimbrel@illinois.gov
Co-Vice Chair: Julie Fedorchak, North
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Subcommittee on Pipeline Safety

Chair: Jay Balasbas, Washington Utilities
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jay.balasbas@utc.wa.gov
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Co-Vice Chair: Tammy Cordova, Public
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Committee on Energy Resources and the Environment

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Committee on Critical Infrastructure

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