

Congress of the United States
Washington, DC 20515

February 22, 2017

President Donald J. Trump
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Trump,

We are writing to request your immediate attention to the current vacancies at the Federal Energy Regulatory Commission (FERC), the independent federal agency charged with overseeing the energy sector. Under federal law, in order to take formal action, FERC must have a minimum of three sitting commissioners. However, as of February 3, 2017, FERC has only two commissioners. We request your prompt nomination of at least one individual to serve as commissioner who may be duly considered by the Senate.

A fully functioning and staffed Commission is critical to our economy, national security, infrastructure, and energy needs as a country. For the last several years, our offices repeatedly have raised concerns, including with the previous administration, about vacancies on the Commission. The Commission staff can address many of the actions filed, but federal statutes require the Commission to issue orders only by majority vote of at least three commissioners representing a quorum.

In FERC's nearly forty year history, it has never faced a situation where it is unable to act due to lack of a quorum. Though routine matters may be addressed at staff level, effectively, the most important actions will require at least three commissioners. Our energy sector will remain at a standstill without the Commission's ability to act.

Prior to former Chairman Bay's departure, the Commission issued an order delegating the staff additional powers in the absence of quorum. However, given the clarity of the FERC governing statutes and the uncharted territory we are currently exploring, we have significant concerns with the legal basis on which this order stands. A nomination and subsequent confirmation by the Senate would avoid protracted legal proceedings.

Energy policy is made at the local, state, regional, and federal levels. We have encouraged the entities that require FERC approval to delay filing new items with the Commission during this time. We also have offered legislation, which passed the House of Representatives on the first day of your administration, that would ensure all parties involved in the energy sector, consumers and industry alike, are able to raise adequate concerns at the administrative and judicial levels in the absence of an order issued by the Commission.

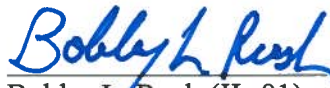
As members of Congress, we stand ready to do our part to ensure the functioning of the energy sector, but, respectfully, we cannot nominate new commissioners. For the sake of good governance, transparency, and proper oversight, we request you nominate a qualified individual as soon as possible to serve as a commissioner at FERC. We also request you work to fill the remaining vacant slots in short order to ensure the Commission is fully functioning and each filing is duly considered.

Thank you for your consideration.

Sincerely,



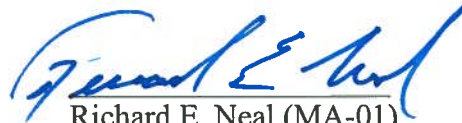
Joseph P. Kennedy, III (MA-04)
Member of Congress



Bobby L. Rush (IL-01)
Member of Congress



Paul D. Tonko (NY-20)
Member of Congress



Richard E. Neal (MA-01)
Member of Congress



William R. Keating (MA-09)
Member of Congress



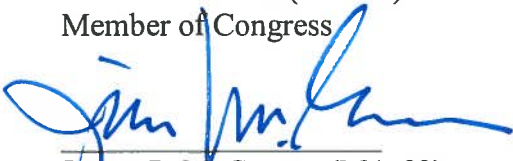
Katherine M. Clark (MA-05)
Member of Congress



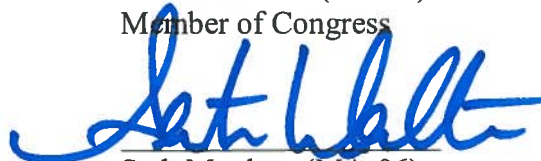
John P. Sarbanes (MD-03)
Member of Congress



Diana DeGette (CO-01)
Member of Congress




James P. McGovern (MA-02)
Member of Congress



Seth Moulton (MA-06)
Member of Congress



Michael E. Capuano (MA-07)
Member of Congress



Peter Welch (VT-AL)
Member of Congress



Stephen F. Lynch (MA-08)
Member of Congress



Niki Tsongas (MA-01)
Member of Congress