

**Congress of the United States**  
**Washington, DC 20515**

February 2, 2016

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

Dear Mr. President,

We are writing to draw your immediate attention to the current and expected vacancies at the Federal Energy Regulatory Commission (FERC). The five-member independent agency is already without one commissioner with a second recently announcing his intent to step down in June. As the federal regulator charged with ensuring energy reliability at just and reasonable costs, a fully-appointed Commission is of critical importance to the many issues facing our nation's energy sector.

FERC commissioners each serve a five year term and their nominations are subject to the advice and consent of the Senate prior to confirmation. The Commission's role impacts every single corner of our country, with responsibilities ranging from interstate transmission of natural gas, oil, and electricity to the regulation of natural gas and hydropower projects. Each document filed with the Commission requires full and fair consideration by a full cadre of Commissioners.

New England recently experienced the consequences of a shorthanded Commission. In 2014, after considering the results from a capacity auction, the four sitting Commissioners at the time deadlocked two-to-two on whether to approve the rates. The rates took effect by operation of law, leaving ratepayers with no avenue to appeal because FERC did not issue an official order. With only four Commissioners, FERC was unable to break the deadlock, resulting in a \$2 billion rate increase for New England ratepayers leaving them without an opportunity to protest.

In May 2015, former Commissioner Philip Moeller announced his intent to retire at the end of the summer, providing ample lead-time for a replacement to be found, nominated, and ideally confirmed. However, by October 2015, with no replacement awaiting nomination, Commissioner Moeller stepped down, leaving the Commission with only four commissioners. Just last month, Commissioner Tony Clark announced he would not seek reappointment but will remain until the expiration of his term in June 2016. Commissioner Clark's departure would result in a decrease to just three commissioners.

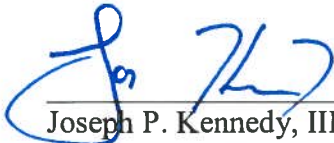
FERC constantly is reviewing rate filings and project proposals and soon will consider new rate changes for New England. The region already struggles with the highest electricity rates across the continental United States and strongly needs the guidance and certainty that only a fully-

seated Commission can provide. And given that New England will be conducting another Forward Capacity Auction next week that will need approval from FERC, with only four sitting Commissioners our region has the potential to face the same situation we experienced in 2014 when the Commission deadlocked.

We recognize the appointment process is long, but it cannot begin without a presidential nomination. Once you have identified a suitable nominee, we are hopeful that the Senate will be able to consider the nomination as expeditiously as possible.

We appreciate your attention to this critical matter.

Sincerely,



Joseph P. Kennedy, III  
Member of Congress



Edward J. Markey  
U.S. Senator

CC: Majority Leader Mitch McConnell  
Minority Leader Harry Reid  
Chairman Lisa Murkowski, Energy and Natural Resources Committee  
Ranking Member Maria Cantwell, Energy and Natural Resources Committee