

Northeast Public Power Association Legislative Update



October 2020

Senate Committee Holds Confirmation Hearing for FERC Nominees

The Senate Energy and Natural Resources Committee held a hearing on Sept. 16 to consider the nominations of Democrat Allison Clements and Republican Mark Christie to be commissioners on the Federal Energy Regulatory Commission (FERC). Overall, the hearing was cordial with Senators indicating their interest in seeing FERC return to a fully seated slate of five commissioners. Committee Chairman Lisa Murkowski (R-AK) noted in her opening remarks that FERC's economic reach is 3% of GDP, and she urged the commissioners to strive for independence and impartiality. The nominees' remarks and many questions from committee members focused heavily on climate issues, technology neutrality, FERC's role in improving and maintaining grid reliability, and fairness for electric consumers. Several senators also pressed the nominees to work toward improving measures to guard against cybersecurity threats. The Energy and Natural Resources Committee must vote on the nominations before a full Senate confirmation vote can be scheduled, but a committee vote has not yet been announced.

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Bipartisan COVID-19 Aid Framework Seeks to Break Impasse, but President Ends Talks

On Sept. 15, the bipartisan House Problem Solvers Caucus released a \$1.5 trillion COVID-19 aid package designed to break the impasse between leaders negotiating the next major bill. The framework provides funding for healthcare and virus testing, stimulus checks for most individuals, unemployment assistance, \$500 billion in state and local aid (including revenue shortfalls), funds to address incremental election costs, \$12 billion for broadband hot spots, and liability and worker protection. It is not clear whether funds for LIHEAP or other utility bill assistance may be included in a section marked "other rent stabilization measures," but the framework does not include a moratorium on utility disconnects. While both Speaker Nancy Pelosi (D-CA) and Senate Majority Leader Mitch McConnell (R-KY) panned the proposal, President Trump signaled support for the effort, saying he wants people to receive money. The framework was reportedly the basis for an offer from Treasury Secretary Mnuchin, which was rebuffed as House Democratic leaders passed their own offer, a \$2.2 trillion version of the HEROES Act. LIHEAP funding would triple under the new bill, to \$4.5 billion, and rural electric co-ops that are borrowers of the Rural Utilities Service would be eligible for a new competitive grant program to cover the cost of forgiving customer debt and other losses. However, President Trump abruptly called off further negotiations until after the election, before sending a somewhat mixed message about passing piecemeal bills to address the ongoing crisis.



House Democrats Release Clean Energy Package

On Sept. 24, the House passed a package of clean energy research, deployment, and workforce training bills. Democrats on the Energy and Commerce Committee and the Science, Space and Technology Committee compiled the package based on the past two years of proposals in the committees, and many of the included measures enjoy broad bipartisan support or are included in the Senate's broad energy bill. The bill includes a proposal to revamp many of the Department of Energy's (DOE) research and development programs that cover a host of technologies, including wind, solar, geothermal, advanced nuclear, carbon capture, and energy storage. It would also boost funding for the Advanced Research Projects Agency-Energy (ARPA-E); a robust title for electric vehicle infrastructure research, development, and deployment activities; and a significant title dedicated to environmental justice. However, President Trump threatened to veto the bill, and the Ranking Members of the committees of jurisdiction issued a statement opposing the bill the morning it was brought to the floor. Several environmental groups also weighed in with concerns about the bill, but it ultimately passed on a mostly party-line vote. The provisions may be conferenced with the Senate version, if it is brought up in the lame duck period, or attached to a larger vehicle.

House Passes Grid Cybersecurity Bills

On Sept. 29, the House passed four non-controversial bills related to cybersecurity under suspension of the rules. The "Cyber Sense Act" (H.R. 360) would create a voluntary program to white-list products and technologies for use in the bulk-power system. The "Grid Security R&D Act" (H.R. 5760) would authorize DOE to coordinate with stakeholders on research, development, and demonstration projects to strengthen the grid against cyber and physical attacks, including making grants for that purpose and for improving emergency response. The "Enhancing Grid Security Through Public-Private Partnerships Act" (H.R. 359) would encourage DOE to enter into and facilitate public-private partnerships to improve information-sharing, training, and other aspects of grid security. The "Emergency Leadership Act" (H.R. 362) would codify the position of DOE Assistant Secretary for Cybersecurity. The bills were not part of the larger energy bill that passed the House in September and some lack a Senate counterpart, but they could be added to other year-end packages in a lame duck session.

CR Passes Hours Ahead of Shutdown

On Sept. 30, just a few hours ahead of the fiscal year deadline, the Senate voted in favor (84-10) of a Continuing Resolution (CR), extending FY20 government funding until Dec. 11. The House passed this legislation on Sept 22, and the President signed the measure shortly before the funding expiration. The House has passed 10 of 12 individual funding bills for FY21, but the Senate has yet to pass any. With the Senate firmly focused on consideration of the Supreme Court nominee, it is not likely that any of the FY21 bills will be signed into law before Dec. 11; rather, this CR delays any funding decisions until after elections.

