



# FERC Office of Public Participation

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Meeting with NRC - March 31, 2022

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# About the Office of Public Participation (OPP)

**Enabling Statute:** Section 319 of the Federal Power Act, 16 U.S.C. Sec. 825q-1.

- Passed in 1978, but established in 2021 under the leadership of the current Congress and **FERC Chairman Richard Glick**.
- The first permanent director of OPP is **Elin Swanson Katz**.
  - Former Connecticut Consumer Counsel and former President of the National Association of State Utility Consumer Advocates. Elin started in November 2021.
- The Deputy Director is **Nicole Sitaraman**.
  - Formerly Assistant People's Counsel of the DC Office of the People's Counsel and formerly of Sunrun and Sustainable Capital Advisers. Nicole started on February 14, 2022.

**Primary Function:** to coordinate with and provide assistance to members of the public as to participation in, and understanding of, FERC proceedings.



## Areas of Focus—Education, Outreach

- OPP will focus on outreach to and encouraging representation from traditionally under-represented communities and constituencies who may not have experience with FERC and/or have limited resources for participation, including:
  - Environmental justice communities;
  - Citizens of Native American Tribes;
  - Landowners impacted by infrastructure proposals;
  - Consumer advocate, environmental, or community organizations.
- That said, OPP will provide and already is providing assistance to those who contact our offices.



## OPP Activities To Date: Assistance, Connection, Dialogue

- Helping constituents understand how to intervene and comment, understand the limits of FERC jurisdiction and FERC procedural steps, learn how and where to find more information about a project or industry, and e-subscribe to FERC dockets. To date, have fielded over 200 constituent communications.
- Engaging in a “listening tour” so that we can better understand the needs of public stakeholders, rather than assume we know them, and to make sure that we are hearing the concerns and questions of industry participants as well.
- Identifying process improvements to recommend for FERC processes to improve opportunities for public participation.



# Ongoing Priorities

- Identifying partners/suggestions for reaching key constituents
- Building technical assistance program
- Developing metrics for measuring progress/success
- Establishing social media profile
- Pushing out information on key dockets, decisions, policies
- Developing models for potential intervenor funding
- Hiring to meet the mission\*



# Key OPP Function: Procedural Information and Assistance

<https://www.ferc.gov/OPP>

## Office of Public Participation (OPP)

### Overview

How to Participate

Contact FERC

Intervene

File a Comment

Request a Rehearing

Frequently Asked Questions (FAQs)

At left is a snippet from our web page and it provides some examples of the basic functions we are trying to help with.

- Intervention
  - We provide step-by-step instructions, with website photos, on how an individual or entity can register as a user and intervene, plus a link to the regulation:
    - Regular, doc-less, or out-of-time intervention
    - Reminder to explain your interest in order to intervene
- Comments
  - Again, step-by-step instructions
  - Explanation of applicable docket types and how to find your docket.
- Request for Rehearing
  - Instructions on filing.
  - Reg links and reminder of content requirements, including “Statement of Issues” section



## Potential for an Intervenor Funding Program

- The statute (FPA Sec. 319) refers to the possibility that compensation could be provided for:
  - Reasonable attorney's fees,
  - Expert witness fees, or
  - Other costs of intervening or participation.
- The participant must have:
  - Substantially contributed to the Commission approval, in whole or in part, of a position taken,
  - The proceeding must be considered significant, and
  - Absent compensation, the participant would face a significant financial hardship.
- There would need to be a rulemaking proceeding at FERC to sort out the parameters of any intervenor funding program.



# Provision of Technical Assistance

- Members of Congress and commenters expressed the desire for OPP to provide technical assistance to public participants;
- Potential areas of greater understanding and education:
  - Technical and engineering terms,
  - FERC jurisdiction,
  - Maps and drawings,
  - Claims of need,
  - Environmental claims.
- Also, some industry education materials (natural gas, hydropower, energy markets, etc.)
- Facilitating hiring of experts (see intervenor funding program)
- This issue is a challenge for OPP in terms of resources, personnel, and avoidance of advocacy. It is also an area where proactive outreach efforts may be needed. PNNL and other national labs may be able to assist.





## OPP is a Resource to Facilitate Participation, Not an Advocacy Office

- We are developing resources and educational materials to enable members of the public, including under-represented constituencies and those unfamiliar with FERC processes, to participate and bring **their voices** forward at FERC.
- OPP will not take positions on issues in proceedings at FERC on behalf of constituents. Constituents may want to opine on clean energy, pipelines and natural gas infrastructure, hydropower plants and licensing, electric transmission, electricity markets or other issues, and OPP will help people to have their voices heard (sometimes including people on either side of an issue).



Thank you for the opportunity to meet with you.

# Questions?

