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United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-6150

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October 4, 2011

The Honorable Jon Wellinghoff
Chairman
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Dear Chairman Wellinghoff:

I have received your September 29 response to my letter of September 19. Your reply states that you “continue to do what is necessary to ensure the reliability of the nation’s bulk power system.” Unfortunately, the rest of your letter, our prior correspondence, and your testimony before the House of Representatives on September 14 does not support that conclusion.

The Commission has important statutory obligations with respect to electric reliability and the fulfillment of them requires robust expertise and leadership. Almost a year ago, staff from the Commission’s Office of Electric Reliability found, albeit preliminarily, that the pending EPA proposals could cause a significant portion of the nation’s electric generating capacity to be shut down and recommended reasonable further study. Despite this, you have not taken any steps to inquire further or to address the substance of these issues.

Two of the major proposals, the so-called Utility MACT and Cross-State Air Pollution Rules are moving toward implementation in a matter of weeks or months, yet you continue to defer. Your most recent letter ignores the questions I asked. It gives short shrift to an area of agreement between us – that the reliability of the nation’s bulk power system cannot be captured in aggregate figures – and even attempts to use that agreement as a rationale for avoiding discussion of the Commission’s proper role in advising other federal agencies or in following up on the inquiry that the professionals in the Office of Electric Reliability long ago recommended.

In lieu of a more detailed response, you state that you would “welcome a meeting” with me “to discuss [my] letter and how FERC’s authority on electric reliability issues might address my concerns.” I am always happy to meet with others in public service.

However, I believe for such a meeting to be fruitful, I need meaningful answers to my questions. Accordingly, by October 7, 2011, I ask you to respond substantively to my earlier inquiries and also provide a list of, and contact information for, each of the "regional planning entities" mentioned in your letter that "have access to specific generator and regional information."

I would be pleased to meet with you as soon as possible thereafter. Since seeing your letter of September 29, each of your fellow Commissioners has also asked to meet with me. I am also asking for their written responses to my questions of September 19 so that those meetings may also be substantive.

I welcome dialogue, but the subject at issue is too consequential and too time critical to leave these matters to informal conversation. I trust that you understand the seriousness of my concerns and, again, I hope that we can move forward with an equally serious effort to address them.

Sincerely,



Lisa Murkowski
Ranking Member

cc: The Honorable Philip D. Moeller, Commissioner
The Honorable Marc Spitzer, Commissioner
The Honorable John R. Norris, Commissioner
The Honorable Cheryl A. LaFleur, Commissioner