

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

The Office of Public Participation)

Docket No. AD21-09-000

**OPENING WORKSHOP COMMENTS OF DAVID R. SPRINGE
ON BEHALF OF
THE NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES**

Good morning. My name is David Springe. I am the Executive Director at the National Association of State Utility Consumer Advocates (NASUCA). I appreciate the opportunity to participate in this workshop and specifically on this panel about the structure and function of the Office of Public Participation. I will make brief introductory comments, but I intend to file additional written comments as allowed in the proceeding.

NASUCA's members represent the interests of utility consumers in 44 states, the District of Columbia, Puerto Rico, Barbados and Jamaica. NASUCA's full members are designated by the laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts. NASUCA members operate independently from state public utility commissions.

The opinions I offer today informed by three general ideas. First, over the last 20 years many of our electric generation and transmission resources that formerly were regulated at the state level are now controlled through regional organizations and are regulated at the federal level. Even areas that do not have a formal RTOs/ISOs still operate within the federal reliability framework and offer different levels market like operations. Decisions that ultimately impact a large portion of consumer bills are made at these regional organizations, yet there is little support or accessible process for consumers to have meaningful input into these decisions. Second, the regulatory structure, resource policy, politics and regional organization are unique to each area. Some level of local understanding is key to making good regulatory decisions. Finally, as I've been told in many meetings with FERC Commissioners, if your position is not in the formal case record, FERC can't rule on it and therefore it doesn't count.

Taken together it is clear that the Office of Public Participation presents a real, and long overdue opportunity to put in place a structure that both gives consumers helpful information and a place to voice their concerns, but also to support consumers or other stakeholders that want to exercise their due process rights through more formal participation in regional organizations or in cases at FERC.

In its most basic form, the Office of Public Participation must serve an informational role aimed at the general public. This is the public that doesn't traditionally participate in regulatory proceedings and won't be familiar with regulatory process and procedure. Information must be easily accessible across multiple platforms, offered in multiple languages and offered in a way that is sensitive to groups that have historically been marginalized. Whenever possible, consumers should be given access to an actual person to get questions answered. This

information should be regionally based and include regionally based staff that has more familiarity with local issues and conditions and can provide a point of local contact.

It is also clear that congress intended that the Office of Public Participation facilitate meaningful legal representation at FERC. NASUCA's members have a statutory obligation to represent utility consumers in the legal processes that affect their rates and service. We hope that FERC recognizes this unique status and views as one of the crucial functions of the Office of Public Participation to help facilitate this role. I don't intend to address intervenor funding in these short comments other than to reiterate the importance of financial support to participate in a FERC proceeding. However, I do think that the Office of Public Participation staff should be able to offer neutral legal/procedural advice to those that request it and should also be able offer technical expertise if requested.

I also believe that whether through the Office of Public Participation or through other policy, FERC must recognize and provide support, perhaps through organizations like the Consumer Advocates of the PJM States, for meaningful consumer representation in regional stakeholder processes. Meaningful representation at the regional level and access to resources to bring specific concerns to FERC or the courts will best serve the public interest. Our experience is that the public interest is enhanced and that proceedings are viewed as having integrity when due process for all parties is ensured, when consumers know they have a voice and representation in regulatory proceedings, when the record on which a decision must be made is robust and when decision makers affirmatively recognize the interest of the consumers.

One question put forth in the agenda requests comment on a possible advisory board. NASUCA supports this idea and would be happy to serve if created.

One final comment. Inevitably any discussion about the Office of Public Participation will involve the question of how much the office and intervenor funding will cost, and who will pay for that cost. I urge you to keep in mind that this question of not often asked elsewhere in the regulatory process. The cost of a utility's lawyers, outside technical expertise and the in-house support necessary to participate in proceedings at FERC are generally considered normal business expenses for the utility and passed in the ratemaking process to customers. The cost of FERC itself is generally passed through utilities to customers. The costs of operating the regional organizations, and the cost of utility personnel that participate in those organizations is again, passed to customers through rates. Having paid the cost for everyone else to be present in this process, we cannot now suggest to consumers that we don't have the financial ability to bring them to the table.

Thank you for the opportunity to participate in this workshop and to offer these comments.

Respectfully submitted,
/s/ David R. Springe
David R. Springe
Executive Director
National Association of State Utility Consumer Advocate
david.springe@nasuca.org
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