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PUBLIC CITIZEN NEWS

## Advocate Office Would Bring Consumer Voice to Energy Regulation

By Allison Fisher

The Federal Energy Regulatory Commission (FERC) keeps a full docket — processing applications for gas pipelines and energy mergers, and overseeing regional procedures related to setting electricity rates. Lawyers representing industry interests often are involved in agency proceedings, but consumers have largely been shut out.

Public Citizen wants to change that. The organization is calling on FERC to establish an Office of Consumer Advocate and Public Participation.

“FERC is probably the most powerful federal agency that no one has ever heard of. It’s also the least accessible,” said Tyson Slocum, director of Public Citizen’s Energy Program. “Given the agency’s poor record of acting in the public’s best interest, consumers need a method to voice their concerns and hold the agency accountable.”

FERC exercises sweeping authority over power markets and controversial energy infrastructure projects. Its five members are charged with ensuring that consumers nationwide have reliable, efficient and sustainable energy at a reasonable cost.

But even though it regulates activities that affect all Americans, the agency receives very little public input during its decision-making. FERC has limited mechanisms for public scrutiny and participation by public interest groups. The lack of a consumer voice shows: Unsatisfactory decisions in recent cases involving possible market manipulation and approval of fracked gas facilities and pipelines have left consumers with higher rates and communities burdened with risky fracking projects.

And consumers are speaking out. This summer, a coalition of anti-fracking groups sustained a weeklong protest at the FERC office in Washington, D.C., to draw attention to the agency’s approvals of fracking infrastructure without engaging the involved communities. In Illinois, nearly 7,000 comments were filed calling on FERC to investigate market manipulation.

These aren’t isolated events. Residents affected by FERC’s rubber-stamping of projects at the expense of citizens have grown increasingly impatient with the agency, causing Commissioner Cheryl LaFleur (the agency’s chair at the time) to

remark at the National Press Club in January, “These groups are active in every FERC docket, as they should be, as well as in my email inbox seven days a week, in my Twitter feed, at our open meetings demanding to be heard, and literally at our door closing down First Street so FERC won’t be able to work. We have a situation here.”

Although such informal consumer participation can be effective, an office dedicated to representing consumer interests and engaging the public would help bridge the divide between the agency’s mandate and the challenges of the citizens affected by it.

And it’s long overdue. A consumer office at FERC has been proposed since 1978, with the passage of the Public Utility Regulatory Policies Act, but the office has never been created or funded.

In May, Public Citizen organized a public awareness forum — led by Slocum, and activist and award-winning documentarian Josh Fox — with advocates nationwide about the dire need for a consumer voice at FERC. Public Citizen offered recommendations, such as pressing for a consumer advocate office and opposing legisla-

tion that fast-tracks the agency’s permit processes.

The discussion coincided with a drive to gather signatures on a Public Citizen petition urging FERC to create an Office of Consumer Advocate and Public Participation. The petition envisions an office that is independent and able to conduct its own investigations; has the authority to distribute financial support to consumers, which would encourage participation of consumer groups; and has an advisory board of nongovernmental consumer advocacy groups.

In a May meeting, Public Citizen appealed directly to FERC Chairman Norman Bay for the consumer advocate office, and the group continues to mobilize peer organizations to fight for consumer inclusion at the agency.

“It’s time to do what Congress intended nearly four decades ago: end FERC’s 37-year foot-dragging in public oversight and participation,” said Slocum.

To sign the petition calling for a consumer advocate at FERC, visit [bit.ly/FERCpublicinput](http://bit.ly/FERCpublicinput).

To hear the advocacy discussion led by Slocum and Fox, visit [bit.ly/FERCreformdiscussion](http://bit.ly/FERCreformdiscussion).

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