

Congress of the United States
Washington, DC 20515

June 15, 2020

The Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Dear Chairman Chatterjee and Commissioners McNamee, Danly and Glick:

We write to urge the Federal Energy Regulatory Commission (FERC) to dismiss the petition from the New England Ratepayers Association (NERA) that asks FERC to assert federal jurisdiction over state electricity programs, including net metering.

Utilities, farmers, houses of worship, municipalities, small businesses and more than two million individual Americans participate in net metering programs in the large majority of states. State utility commissions have spent years designing, implementing and modifying these programs, which generally provide a credit to participants for the electricity they send to the grid. NERA's petition constitutes a direct assault on state regulators' ability to do their jobs. The petition asks FERC to usurp regulatory authority from the states, advancing a one-size-fits-all approach that would upend legal precedent, create market uncertainty, and threaten energy jobs in our districts.

Congress clearly intended for states to regulate net metering programs when it amended the Public Utility Regulatory Policies Act (PURPA). Sections 111(d) and 112(b) explicitly require states – not FERC – to consider adopting net metering programs.¹ If Congress intended for FERC to establish a national net metering program, it would have done so. Since then, 46 states and the District of Columbia have followed Congress' intent by modifying their net metering policies.

All fifty states have lost energy jobs as a result of the COVID-19 pandemic. We believe it should be the top priority of every federal agency to get Americans back to work safely and quickly. Unfortunately, the NERA petition asks FERC to do the opposite – if granted, it would jeopardize business investment, threaten energy jobs in our districts, and delay the recovery of the industry.

In the past, FERC has repeatedly determined that state regulators have authority over retail electricity programs. We urge FERC to once again affirm this precedent by quickly dismissing NERA's petition.

Thank you for your service at the Commission and consideration of this request.

¹ <https://uscode.house.gov/view.xhtml?path=/prelim@title16/chapter46&edition=prelim>

Sincerely,

Chellie Pingree
Member of Congress

Louie Gohmert
Member of Congress

Mike Quigley
Member of Congress

Mark Pocan
Member of Congress

Andy Biggs
Member of Congress

Jared Golden
Member of Congress

Paul Tonko
Member of Congress

Chip Roy
Member of Congress

Chris Pappas
Member of Congress

Ann McLane Kuster
Member of Congress

Paul A. Gosar, D.D.S.
Member of Congress

Peter Welch
Member of Congress

Deb Haaland
Member of Congress

David Schweikert
Member of Congress