

To: The Federal Energy Regulatory Commission

888 First St NE

Washington, DC 20426

Date: February 22, 2022

Re: FERC’s Notice of Inquiry on Rate Recovery For Industry Associations And Utilities Engaged in Anti-Climate Advocacy Activities (DOCKET RM22-5)

Dear Chairman Glick and Commissioners Christie, Clements, Danly and Phillips:

On behalf of our millions of members and supporters nationwide, we, the undersigned 313 organizations—including the Center for Biological Diversity, Vote Solar, Institute for Local Self-Reliance, and Solar United Neighbors—urge the Federal Energy Regulatory Commission (“FERC”) to amend the Uniform System of Accounts’ (“USofA”) treatment of industry association dues and related advocacy expenses. Recent utility corruption scandals highlight how electric and gas utilities fight efforts to both protect the environment and communities and combat the climate emergency. To ensure that ratepayers are not being forced to fund this anti-public advocacy, we urge the Commission to move industry association dues and other advocacy spending to below-the-line accounts, thereby making them presumptively non-recoverable from ratepayers. The Commission should also consider whether utilities under FERC’s jurisdiction should be entitled to recover *any* of their dues for trade associations that engage in political advocacy activities

Last year, the Center for Biological Diversity (“Center”) petitioned FERC to amend its accounting system to help stop the long-standing practice of forcing everyday ratepayers to fund trade groups engaged in anti-climate, anti-environmental advocacy. The Center Petition detailed utilities’ unconscionable practices of charging electricity customers for their own self-interested advocacy, including through their payments to trade associations engaged in political activities that promote fossil fuels and other extractive energies, undermine public health, and obstruct the urgently needed renewable and just energy transition. The Petition also explained that this rate recovery violates ratepayers’ First Amendment rights and urged the Commission to force utilities to disclose and justify efforts to recover these expenses from consumers.

We are encouraged by FERC’s recent Notice of Inquiry (“NOI”) to examine the rate recovery, reporting and accounting treatment of industry association dues and related expenses. In response to Questions 6, 7, and 9 of the NOI, because there is currently no transparency in how trade associations spend ratepayer funds, we urge the Commission to move industry association dues from Account 930.2 to Account 426 in the USofA. This would prohibit utilities from presumptively recovering these dues and instead force utilities to disclose any such fees they would charge to customers. Importantly, this approach would best serve the Commission’s transparency objectives and protect ratepayers from being forced to fund utility advocacy undertaken by trade associations standing in the way of a resilient, just, and renewable energy future.

President Biden has called on all federal agencies “to deploy [their] full capacity . . . to combat the climate crisis.”¹ Congress has also increased its scrutiny on corporate power, with the House Judiciary Committee

¹ See President Biden Executive Order on Tackling the Climate Crisis at Home and Abroad, Sections 201 and 205(b)(i) (“Biden Order”) (Jan. 27, 2021) (emphasis added), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

passing landmark antitrust legislation in July 2021 and the Senate Judiciary Committee following suit in January 2022 to reign in abuses in the tech industry, which has many parallels to the monopoly power held by investor-owned electric utilities.

FERC must advance these goals by stopping utilities from directing customers' utility payments toward industry groups who are working for private fossil fuel profit and undermining public health, environmental justice, and the renewable energy transition. FERC must also tighten its other USofA accounts to prevent utilities themselves from engaging in political advocacy activities on the backs of ratepayers. It is difficult enough for consumers to keep up with soaring energy prices, and they must not be forced to also pay for activities that benefit utilities rather than ratepayers—and in some cases, work actively against the best interests of ratepayers seeking a clean and safe environment.

Sincerely,

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WATERKEEPERS CHESAPEAKE

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WESPAC FOUNDATION, INC.

Dennis Wilwerding
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CLIMATE ACTION**

Renée M. Chacon
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WOMXN FROM THE MOUNTAIN

Seneca Johnson
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