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Federal Regulatory and Legislative Update

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Current FERC Commissioners

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Current Composition at FERC

FERC is composed of up to five commissioners who are appointed by the President of the United States with the advice and consent of the Senate. Commissioners serve five-year terms, and have an equal vote on regulatory matters.

Current Slate of Commissioners:

- Chairman Richard Glick (D)
- James Danly (R)
- Allison Clements (D)
- Mark Christie (R)

President Biden recently nominated Willie Phillips (D), chair of D.C.'s Public Service Commission, to fill the vacancy created by Commissioner Chatterjee's exit in August. It is anticipated that Phillips could be seated in November or December subject to Senate approval.

A full complement of commissioners is critical to FERC's ability to make decisions, issue orders and conduct rulemakings. A split Commission sets the stage for inaction or potential deadlocks.

Having a third Democrat on the Commission would provide Chairman Glick with more flexibility to pursue certain priorities, such as clean energy and reforms to support transmission infrastructure.

FERC Enforcement Update

New FERC Enforcement Director Named

Chairman Glick appointed Janel Burdick as Director of the Office of Enforcement (OE) on September 13, 2021. Burdick has a relatively long tenure at OE:

- First joined the FERC's OE in July 2009 as an analyst.
- Served as a Technical Advisor to former Chairman Norman Bay from September 2014 to August 2015.
- Named Director, Division of Energy Market Oversight, within OE in June 2016, and in July 2019 was elevated to the position of Deputy Director, OE.
- Has been serving as Acting Director, OE since February 2021.

It is anticipated that FERC enforcement activity will increase under Chairman Glick and a Democrat majority of commissioners.

2020 Annual Report on Enforcement (Docket No. AD07-13-014)

The Annual Report discusses the activities performed by OE's Divisions of Investigations (DOI), Audits and Accounting (DAA), and Analytics and Surveillance (DAS) during the fiscal year (2020). The Annual Report for FY2021 is expected in November/December.

In FY2020, OE's priorities continued to focus on matters involving:

- Fraud and market manipulation
- Serious violations of the Reliability Standards
- Anticompetitive conduct
- Conduct that threatens the transparency of regulated markets

OE's priorities in 2021 appear consistent with 2020.

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