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**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

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December 17, 2015

The Honorable Tony Clark  
Commissioner  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

Dear Commissioner Clark:

Thank you for appearing before the Subcommittee on Energy and Power on Tuesday, December 1, 2015, to testify at the hearing entitled "Oversight of the Federal Energy Regulatory Commission."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on January 7, 2016. Your responses should be mailed to Will Batson, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to [Will.Batson@mail.house.gov](mailto:Will.Batson@mail.house.gov).

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Ed Whitfield  
Chairman  
Subcommittee on Energy and Power

cc: The Honorable Bobby Rush, Ranking Member, Subcommittee on Energy and Power

Attachment

## Additional Questions for the Record

### The Honorable Joseph Kennedy

The Federal Energy Regulatory Commission's mission statement seeks to achieve "reliable, efficient and sustainable energy services at a reasonable cost through appropriate regulatory and market means."<sup>1</sup> FERC's role is critical to ensuring reliability at just and reasonable rates.

As you are all aware, New England faces great challenges now, and into the future, when it comes to our energy sector. We have limited natural resources and are quite literally located at the end of the line. Many of the decisions made that impact our energy policies are done at the local, state, and regional level. While FERC may not be able to directly set the energy rates, force a power plant to remain open, or pick and choose the appropriate path for new energy infrastructure, FERC has the final say on many issues as the federal regulator.

My district has faced capacity market shortfalls in each of the last two Forward Capacity Market Auctions, and we're quickly approaching FCA10 in February 2016. In mid-October, we got news that yet another power plant in Massachusetts would be closing, taking another 600-plus megawatts off an already overly stretched grid.

For two years I have been told that the market is designed specifically to send appropriate price signals to industry to indicate and prevent a shortfall. But as I read it, this market is currently functioning with the consumers subsidizing energy manufacturers. The reverse auction system could allow producers to come up with their own inflated prices, which all other producers recoup as well, leaving consumers to foot the bill.

Given the current status of the energy markets in Massachusetts and on the federal level, I have several questions:

1. How is the Commission planning to deal with only four sitting commissioners for the foreseeable future when there is always the possibility of a tie ruling? How will the Commission ensure it functions properly so ratepayers are not left without any administrative recourse? We cannot have a replay of FCA8 if a rate change is filed and the four sitting commissioners deadlock.
2. Given that FERC cannot keep a plant open, order the construction of a new one, or physically site infrastructure, what tools does FERC have and how can they be used to permit and incent both infrastructure and a competitive market to ensure electric reliability at just and reasonable rates?
3. What is the definition of "just and reasonable" rates and how does FERC balance that definition in the name of reliability?

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<sup>1</sup> <http://www.ferc.gov/about/strat-docs/strat-plan.asp>