

The House Committee on Natural Resources
Subcommittee on Energy and Mineral Resources
1324 Longworth House Office Building
Washington, DC, 20515

RE: Response for the Record from Consumer Energy Alliance

Dear Chairman Westerman, Ranking Member Grijalva, Subcommittee Chairman Stauber, and Ranking Member Ocasio-Cortez,

On behalf of Consumer Energy Alliance (CEA), its more than 350 member organizations and more than 500,000 individual members, thank you for the opportunity to testify during the Energy and Mineral Resources Subcommittee Hearing “*Examining the Biden Administration’s Limits on Access to the OCS: Impacts on Consumers, States, and Operators*” on Jan. 11, 2024.

CEA is pleased to have the opportunity to respond and confirm for the Congressional record once and for all that CEA has been cleared in several years-old allegations regarding falsified grassroots comments. Representative Grijalva inserted these claims for the record at the close of the hearing. CEA would like to provide more accurate information to Representative Grijalva, and provide the current facts to the Committee and Congress.

Representative Grijalva referenced three instances where CEA was accused of providing public comments for a state rulemaking without knowledge or consent of the party submitting the comments. These allegations occurred in 2015 (Wisconsin); 2016 (Ohio) and 2018 (South Carolina).

In all three cases referenced, CEA was either fully cleared of wrongdoing or the allegations were found by the pertinent regulatory agency to be lacking adequate substance to prompt a formal investigation.

Outcomes of the incidents are included below:

- Regarding allegations related to Wisconsin Public Service Commission proceedings, the Milwaukee County District Attorney investigated and in 2015 found there was “no evidence” that anyone connected to CEA did anything intentionally, as alleged by an activist group opposed to CEA’s position. The letter is attached to this submission.
- In 2016 in Ohio, the Federal Energy Regulatory Commission declined an activist group’s request to investigate. 1 FERC referred the matter to the United States Postal Service, which also declined to pursue an investigation and did not even contact CEA to do so.
- In 2018, the South Carolina Attorney General did not pursue an investigation of CEA after activist groups accused CEA of delivering up to (approximately) five comment letters that the respondents said they did not author. Of note, as soon as CEA became aware of the allegations of false comments, CEA asked the Attorney General of South Carolina to investigate. Again, as with Wisconsin and Ohio matters noted above, the South Carolina Attorney-General’s office declined to investigate the matter. In fact, South Carolina found that CEA had been victimized by the same two companies that sent more than one million false comments into the Federal Communication Commission’s Net Neutrality public comment docket. That finding came as the result of a major investigation by BuzzFeed News² into the false comments sent to the FCC. The story recounted CEA’s experience with those two companies, Media Bridge and LCX Digital, as an example of how those companies operated and intentionally submitted false comments that were difficult, if not impossible, to verify by an organization such as CEA. CEA confirms the accuracy of the article’s account of CEA-related information.

¹

https://www.cleveland.com/metro/2016/09/nexus_pipeline_controversy_dead_mans_name_others_appear_in_letters_supporting_the_plan_photos.html

² <https://www.buzzfeednews.com/article/jsvine/net-neutrality-fcc-fake-comments-impersonation>

CEA also points out that in 2023, the Attorney General of Ohio investigated allegations regarding potentially falsified comments. CEA is confident that its personnel did nothing wrong and that, as with the other matters cited above, CEA will be exonerated. CEA has been and continues to be fully cooperating with the Attorney General's office. Once again, the allegations originated with a group opposed to CEA's position and mission. CEA looks forward to the findings of the Attorney General's investigation and will update the Committee once those are made public.

CEA remains committed to its mission of advocating for energy policies that support affordable, reliable and environmentally responsible energy. We recognize that criticisms, false allegations and other attempts to besmirch CEA's reputation are an unfortunate, constant cost of doing business. CEA is, however, undeterred from working tirelessly on behalf of American families, farmers, labor, manufacturers, and small businesses to ensure everyone has access to affordable, reliable and environmentally sound energy.

Thank you again for the opportunity to address the Committee.

Sincerely,



David Holt
President
Consumer Energy Alliance