

Congress of the United States
Washington, DC 20515

June 12, 2014

Senator Mary Landrieu
Chair, U.S. Senate Committee on Energy
and Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

Dear Senator Landrieu:

It has come to our attention that the Senate Energy and Natural Resources Committee will soon vote on the nomination of Norman Bay to be the Chairman of the Federal Energy Regulatory Commission (FERC). If confirmed, Mr. Bay, the hand-picked nominee of Majority Leader Reid, would play a crucial role at an entity that is key in ensuring that our constituents will receive affordable, reliable energy. **We are concerned that Mr. Bay lacks the qualifications to serve on the FERC and that he will simply act as a rubberstamp for the Administration's policies that limit the use of traditional energy sources like coal and natural gas in favor of more expensive, less reliable sources of energy like wind and solar. Therefore, in the interest of protecting all Louisianians from this Administration's harmful policies, we urge you to oppose his nomination when it comes before the Senate Energy and Natural Resources Committee.**

Recent reports have made clear that Majority Leader Reid "blocked"¹ Acting Chairman LaFleur's bid to become permanent Chair of the FERC in an effort to install Mr. Bay as Chairman. He did so because she had "done some stuff to do away" with controversial actions taken by the previous Chairman – a Reid ally.² Given that the FERC is supposed to operate as an independent agency, the very fact that the Majority Leader has threatened to block nominees that act in an independent manner calls the independence of Mr. Bay into question.

We have read news reports that suggest a "deal" is in the works that would keep Ms. LaFleur as Chairman of the FERC in return for confirming Mr. Bay.³ While it is certainly preferable that Ms. LaFleur remains in her current role when the alternative is confirming Mr. Bay, we cannot support any "deal" that would allow Mr. Bay to serve on the FERC because we are concerned that he will not act in the best interests of Louisianians, and will instead act in the best interests of Majority Leader Reid who is a leading advocate of President Obama's anti-fossil fuel energy policy.

We are further concerned that any "deal" that allows for Mr. Bay's confirmation is simply window dressing and any positive impacts from the deal will later be undercut by Administration actions. In your first markup as Chairman of the Energy Committee, you supported the nomination of Rhea Suh to serve as the Assistant Secretary for Fish, Wildlife, and Parks in spite of the fact that she had once called natural gas a "threat." You proclaimed that Ms. Suh's role has nothing to do with "overseeing energy production." Only hours after your vote in support of Ms. Suh, the Fish and Wildlife Service announced its decision to list the Lesser Prairie-Chicken as a threatened species in spite of considerable, state-based efforts within the species' range to improve its habitat. Many fear the listing could "hobble federal permitting of oil drilling projects" in an oil rich area of this country.⁴ Given that the Administration was willing to push a policy harmful to energy development only hours after you supported the nominee that would

¹ Amy Harder, *Reid Shapes Regulator with an Eye to His State*, Wall Street Journal, June 9, 2014, at A1.

² *Id.*

³ Laura Barron-Lopez, *Could Obama Nominees Be Swapped?*, The Hill, June 10, 2014 available at <http://thehill.com/policy/energy-environment/208872-senate-energy-may-strike-deal-with-wh-to-swap-ferc-nominees>.

⁴ Phil Taylor, *Would a Prairie Chicken Listing Cause the Sky to Fall? Some Say Yes*, Greenwire, Mar. 26, 2014, available at <http://www.eenews.net/greenwire/stories/1059996772>

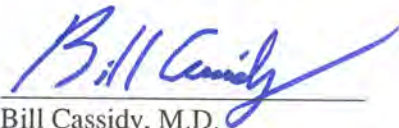
have jurisdiction over such a decision, we would be surprised that you would cut a “deal” with the Administration on another controversial nominee.

It is a particularly crucial time at the FERC to ensure that the Commission does not act simply as a rubberstamp for President Obama’s policies. On June 2, the Obama Administration released a rule that will force a substantial portion of our nation’s electricity to shift away from affordable and reliable coal and natural gas to less reliable energy sources like wind and solar.⁵

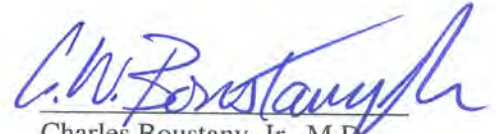
Following the release of the rule, you were quoted as stating that “[t]he goal is reliability.”⁶ You should therefore find it troubling that Mr. Bay indicated at his confirmation hearing that he has “not been following the decisional process at the EPA closely enough to know” the impact of this major rule on grid reliability or, for that matter, on fossil energy. He makes this claim despite the devastating impact of substantially similar policies in Europe. Opposing Mr. Bay’s nomination is the clearest way to signal your opposition to EPA’s unilateral efforts to hamstring our economy and the anti-fossil energy agenda espoused by Majority Leader Reid.

Majority Leader Reid opposes the Keystone XL Pipeline.⁷ He has made clear that he opposes traditional energy sources by suggesting that that coal and oil make us “sick” and went so far as to advocate that our nation “stop using fossil fuel.”⁸ Majority Leader Reid has repeatedly blocked efforts to consider legislation that would halt the EPA’s regulatory attacks on our state.⁹ It is clear that the Majority Leader does not support the types of energy that power Louisiana’s economy and create high paying jobs in our state. As such, we cannot support his hand-picked nominee to lead an agency as vital as the FERC. **We urge you to put the needs of Louisiana ahead of President Obama and Harry Reid’s anti-energy agenda by opposing the nomination of Norman Bay to serve on the FERC.**

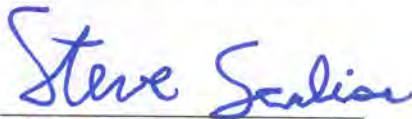
Sincerely,



Bill Cassidy, M.D.
U.S. House of Representatives



Charles Boustany, Jr., M.D.
U.S. House of Representatives



Steve Scalise
U.S. House of Representatives



John Fleming, M.D.
U.S. House of Representatives



Vance McAllister
U.S. House of Representatives

Cc: U.S. Senator Lisa Murkowski
U.S. Senator David Vitter

⁵ U.S. Environmental Protection Agency, *Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units*, available at <http://www2.epa.gov/sites/production/files/2014-05/documents/20140602proposal-cleanpowerplan.pdf>.

⁶ Laura Barron-Lopez, *Sen. Landrieu: Our Goal isn’t Clean Energy, it’s Energy Security*, The Hill, June 10, 2014 available at <http://thehill.com/policy/energy-environment/208820-landrieu-goal-isnt-clean-energy-its-energy-security>.

⁷ Amanda Peterson Beadle, *Reid Opposes Keystone XL Pipeline As Democrats Remain Divided Over TransCanada’s Plan*, Think Progress, Oct. 20, 2011 available at <http://thinkprogress.org/climate/2011/10/20/349017/reid-democrats-keystone-xl-transcanada/>.

⁸ Harry Reid: “Coal Makes Us Sick, Oil Makes Us Sick”, Huffington Post, July 9, 2008 available at http://www.huffingtonpost.com/2008/07/01/harry-reid--coal-makes-us_n_110218.html.

⁹ Ramsey Cox, *Reid Blocks McConnell’s bill on EPA Rule*, The Hill, June 4, 2014 available at <http://thehill.com/blogs/floor-action/senate/208210-reid-blocks-mcconnells-bill-on-epa-rule>.