

Texas Public Interest Environmental Law CLE

Expanding Public Interest Access To Utility Commission
Proceedings Through Intervenor Funding

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October 14, 2021

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Energy Justice

Equity in both the social & economic participation in the energy system, while also remediating social, economic, and health burdens on those disproportionately harmed by the energy system.

Why Utility Regulators Need To Address Energy Justice

- **44% of U.S. households**—or 50 million families—are low-income. According to the U.S. Department of Energy's Low-Income Energy Affordability Data Tool, the national average energy burden for low-income households is 8.6%, three times higher than for non-low-income households. In some areas of the country, energy burden can be as high as 30%.
- This has only gotten worse under COVID, with a sharp rise in service disconnections.
- Communities of color disproportionately bear the brunt of harmful emissions and fossil fuel infrastructure pollution.

If You're Not At The Table, You're On The Menu

- **Utility regulators are adjudicatory agencies, deliberating much like a court of law. They are limited to making decisions only based upon the facts presented before them in a proceeding.**
- **Energy companies and utilities have ample financial resources to hire attorneys, expert witnesses and consultants to strengthen their case.**
 - In most instances, utilities can recover these regulatory costs from ratepayers!

In contrast, public interest organizations have scant resources, resulting in an unlevel playing field.

Public Citizen Solution: Allow PUCT To Provide Intervenor Funding For Public Interest Advocates

Intervenor funding would provide qualifying public interest organizations the potential to obtain financial reimbursement of their staff resources, and legal & expert witness fees, and all other costs associated with their intervention at the PUCT.

Ten U.S. States + FERC Authorize Intervenor Funding

- **California is the gold bitcoin standard (CA Public Utilities Code § 1801-1807). The state awarded \$12 million in compensation last year.**
- **Colorado § 40-6.5-105**
- **Idaho Title 61 Chapter 6 (61-617A)**
- **Maine Title 35-A, Part 1, Chapter 13 §1310**
- **Michigan § 460.6L-M establishes a Utility Consumer Participation Board that provides up-front grants**
- **Minnesota § 216B.16(10)**
- **New Hampshire § 365:38-a**
- **Oregon www.oregon.gov/puc/filing-center/Pages/Intervenor-Funding.aspx**
- **Wisconsin § 196.31**
- **New York doesn't offer it in utility proceedings, but Article 10 of the Public Service Law provides intervenor funding for community organizations seeking to participate before the Board on Electric Generation Siting**

California is the ~~gold~~ bitcoin standard of intervenor funding

- **California Public Utilities Code § 1801-1807**
 - Advocates can seek to recover legal, expert witness and any other reasonable costs associated with intervening.
 - Fees are awarded if the advocate's "participation makes a substantial contribution to a commission order or decision"
 - *Substantial contribution* is defined as: "substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer. Where the customer's participation has resulted in a substantial contribution, even if the decision adopts that customer's contention or recommendations only in part, the commission may award the customer compensation for all reasonable advocate's fees, reasonable expert fees, and other reasonable costs incurred by the customer in preparing or presenting that contention or recommendation."
 - Intervenor contribution determinations are made by the internal and independent Administrative Law Judges within the Public Utility Commission.



California Public Utilities Commission

Despite Administrative Weaknesses, It Has Generally Awarded Compensation to Intervenors in Accordance With State Law

Report 2012-118

This report concludes that despite administrative weaknesses, the commission has generally awarded compensation to intervenors—individuals and groups that represent the interests of utility ratepayers—in accordance with state law. We found that the commission has a process in place to ensure that intervenors meet the necessary statutory requirements before it awards compensation for work conducted during regulatory proceedings. In addition, the commission has a robust process for determining whether the costs and expenses intervenors claim are reasonable, as state law requires. However, we determined that the commission only issued 6 percent of its intervenor compensation decisions during 2008 through 2012 within the 75-day deadline required by state law. The commission has also not issued guidance to its staff or utilities on how to calculate interest appropriately for intervenor claim decisions issued after the 75-day deadline. The lack of formal guidance has led the commission to employ a flawed interest computation methodology, resulting in miscalculations and, ultimately, overpayments of interest on awards. Of the \$42,000 in interest that the commission paid for the 10 largest interest payments we reviewed, we estimate that it overpaid \$40,000.

The California state auditor determined the only administrative Weakness was that, because intervenors weren't being compensated fast enough, they were being overpaid in late interest payment fees

THE STATE INTERVENOR FUNDING PROGRAM IS A HUGE SUCCESS

Earlier this year, Oregon passed HB 2475, amending its existing intervenor funding to provide up to \$500,000/year to advocates representing low-income households and EJ communities

SECTION 3. ORS 757.072 is amended to read:

757.072. (1) A public utility providing electricity or natural gas may enter into a written agreement with an organization that represents broad customer interests in regulatory proceedings conducted by the Public Utility Commission relating to public utilities that provide electricity or natural gas. The agreement shall govern the manner in which financial assistance may be provided to the organization. The agreement may provide for financial assistance to other organizations found by the commission to be qualified under subsection (2) of this section. More than one public utility or organization may join in a single agreement. Any agreement entered into under this section must be approved by the commission before any financial assistance is provided under the agreement.

(2)(a) Financial assistance under an agreement entered into under this section may be provided only to organizations that represent [*broad customer*] interests in regulatory proceedings before the commission relating to public utilities that provide electricity or natural gas **that are:**

(A) The broad interests of customers;

(B) The interests of low-income residential customers; or

(C) The interests of residential customers that are members of environmental justice communities.

(b) The commission by rule shall establish such qualifications as the commission deems appropriate for determining which organizations are eligible for financial assistance under an agreement entered into under this section.

(c) **The total aggregate financial assistance available to all organizations that represent the interests described in paragraph (a)(B) and (C) of this subsection from all public utilities providing electricity or natural gas may not exceed \$500,000 annually.**

Colorado Revised Statutes § 40-6.5-105

TITLE 40. UTILITIES
PUBLIC UTILITIES
ARTICLE 6.5. OFFICE OF CONSUMER COUNSEL

C.R.S. 40-6.5-105 (2016)

40-6.5-105. Intervenors other than the office of consumer counsel

(1) If the office of consumer counsel intervenes and there are other intervenors in proceedings before the commission, the determination of said commission with regard to the payment of expenses of intervenors, other than the office of consumer counsel, and the amounts thereof shall be based on the following considerations:

- (a) Any reimbursements may be awarded only for expenses related to issues not substantially addressed by the office of consumer counsel;
 - (b) The testimony and participation of other intervenors must have addressed issues of concern to the general body of users or consumers concerning, directly or indirectly, rates or charges;
 - (c) The testimony and participation of other intervenors must have materially assisted the commission in rendering its decision;
 - (d) The expenses of other intervenors must be reasonable in amount;
 - (e) The testimony and participation of other intervenors must be of significant quality;
 - (f) The participation of other intervenors must be active during the proceeding and not merely an appearance for purposes of establishing legal standing; and
 - (g) The payment of expenses of other intervenors who are in direct competition with a public utility involved in proceedings before the commission is prohibited.
- (2) The commission shall promptly report the award of any intervenors' expenses to the executive director of the department of regulatory agencies.



Idaho intervenor compensation

TITLE 61
PUBLIC UTILITY REGULATION

CHAPTER 6
PROCEDURE BEFORE COMMISSION AND IN COURTS

61-617A. AWARD OF COSTS OF INTERVENTION. (1) It is hereby declared the policy of this state to encourage participation at all stages of all proceedings before the commission so that all affected customers receive full and fair representation in those proceedings.

(2) The commission may order any regulated electric, gas, water or telephone utility with gross Idaho intrastate annual revenues exceeding three million five hundred thousand dollars (\$3,500,000) to pay all or a portion of the costs of one (1) or more parties for legal fees, witness fees, and reproduction costs, not to exceed a total for all intervening parties combined of forty thousand dollars (\$40,000) in any proceeding before the commission. The determination of the commission with regard to the payment of these expenses shall be based on the following considerations:

(a) A finding that the participation of the intervenor has materially contributed to the decision rendered by the commission; and

(b) A finding that the costs of intervention are reasonable in amount and would be a significant financial hardship for the intervenor; and

(c) The recommendation made by the intervenor differed materially from the testimony and exhibits of the commission staff; and

(d) The testimony and participation of the intervenor addressed issues of concern to the general body of users or consumers.

(3) Expenses awarded to qualifying intervenors shall be an allowable business expense in the pending rate case or, if the proceeding is not a rate case, in the utility's next rate case. Expenses awarded shall be chargeable to the class of customers represented by the qualifying intervenors.



Maine Intervenor Compensation

◀ §1309

Title 35-A: PUBLIC UTILITIES
Part 1: PUBLIC UTILITIES COMMISSION
Chapter 13: PROCEDURE

§1311 ▶

§1310. Funding of intervenors by the commission

1. Intervenor funding. Intervenor funding may be provided as follows.

A. In any commission proceeding in which standards under the United States Public Utilities Regulatory Policies Act of 1978, United States Code, Title 16, Section 2601, et seq., are implemented, the commission may order the utility to compensate the intervenor for reasonable attorney's fees, expert witness fees and other reasonable costs incurred in preparation and advocacy of the intervenor's position whenever the commission finds that:

- (1) The position of the intervenor is not adequately represented by the Office of the Public Advocate or the Public Utilities Commission staff;
- (2) The intervenor substantially contributed to the approval, in whole or in part, of a position advocated by the intervenor in the commission proceeding, except that, if no commission advocacy staff is appointed to a proceeding, the intervenor must be likely to contribute substantially to the conduct of the commission proceeding and to assist in the resolution of the issues raised in the proceeding; and
- (3) Participation in the proceeding by the intervenor would impose a significant financial hardship on the intervenor. [1997, c. 691, §4 (AMD); 1997, c. 691, §10 (AFF).]

B. In any proceeding in which the commission does not implement standards under the United States Public Utilities Regulatory Policies Act of 1978, United States Code, Title 16, Section 2601, et seq., the commission may compensate the intervenor for reasonable attorney's fees, expert witness fees and other reasonable costs incurred in preparation and advocacy of the intervenor's position whenever the commission finds that requirements of paragraph A, subparagraphs (1) to (3), are satisfied. Compensation may be provided from the commission's regulatory fund and filing fees subject to the commission's determination of the availability of the funds. [1989, c. 281, (NEW).]

[1997, c. 691, §4 (AMD); 1997, c. 691, §10 (AFF) .]

2. Determination of eligibility. A determination that an intervenor is eligible for an award of compensation pending the outcome of the proceeding shall be made by the commission at the earliest practicable time in the commission proceeding.



Michigan statute § 460.6L-M

- **Establishes a Utility Consumer Participation Board with members appointed by the Governor. The Board oversees a *Utility Consumer Representation Fund*, which can disburse reimbursement payments to public interest intervenors.**



Minnesota Statute § 216B.16(10)

Subd. 10. Intervenor compensation. (a) A nonprofit organization or an individual granted formal intervenor status by the commission is eligible to receive compensation.

(b) The commission may order a utility to compensate all or part of an eligible intervenor's reasonable costs of participation in a general rate case that comes before the commission when the commission finds that the intervenor has materially assisted the commission's deliberation and when a lack of compensation would present financial hardship to the intervenor. Compensation may not exceed \$50,000 for a single intervenor in any proceeding. For the purpose of this subdivision, "materially assisted" means that the intervenor's participation and presentation was useful and seriously considered, or otherwise substantially contributed to the commission's deliberations in the proceeding.

(c) In determining whether an intervenor has materially assisted the commission's deliberation, the commission must consider, among other factors, whether:

- (1) the intervenor represented an interest that would not otherwise have been adequately represented;
- (2) the evidence or arguments presented or the positions taken by the intervenor were an important factor in producing a fair decision;
- (3) the intervenor's position promoted a public purpose or policy;
- (4) the evidence presented, arguments made, issues raised, or positions taken by the intervenor would not have been a part of the record without the intervenor's participation; and
- (5) the administrative law judge or the commission adopted, in whole or in part, a position advocated by the intervenor.

(d) In determining whether the absence of compensation would present financial hardship to the intervenor, the commission must consider:

- (1) whether the costs presented in the intervenor's claim reflect reasonable fees for attorneys and expert witnesses and other reasonable costs; and
- (2) the ratio between the costs of intervention and the intervenor's unrestricted funds.

New Hampshire statute § 365:38-a

TITLE XXXIV PUBLIC UTILITIES

CHAPTER 365 COMPLAINTS TO, AND PROCEEDINGS BEFORE, THE COMMISSION

Reparations, Fees and Costs

Section 365:38-a

365:38-a Proceeding Costs. – The commission may allow recovery of costs associated with utility proceedings before the commission, provided that recovery of costs for utilities and other parties shall be just and reasonable and in the public interest. For purposes of this section, other parties shall be defined as retail customers that are subject to the rates of the utility and who demonstrate financial hardship; other parties shall not include New Hampshire municipalities. Recovery by other parties shall be deemed to be in the public interest when, in any commission proceeding, the other party substantially contributes to the adoption by the commission, in whole or in part, of a position advocated by the other party in that proceeding, or in a judicial review of that proceeding. Another party shall not recover more than \$10,000 from any utility for any single proceeding. The commission may allow recovery of less than \$10,000 depending upon the scope of the proceeding. The utility shall pay the other party an award of costs if such award is granted by the commission in accordance with the procedures and requirements of the commission and the award is subsequently approved by the governor and council. The utility shall not be liable for any award of costs except in accordance with the procedures and requirements of the commission. If the commission proceeding involves more than one utility, the liability of each utility for the award shall be determined by dividing the amount of the award among the utilities in a manner approved by the commission. If an award of costs is granted in a proceeding involving a change in a utility's rates, the entire amount of the award shall be recovered by the utility in that proceeding. If an award of costs is granted in a proceeding other than one involving a change in a utility's rates, the entire amount of the award shall be immediately recovered by the utility through measures approved on a timely basis by the commission.



Wisconsin statute § 196.31

196.31 Intervenor financing.

- (1) In any proceeding before the commission, the commission shall compensate any participant in the proceeding who is not a public utility, for some or all of the reasonable costs of participation in the proceeding if the commission finds that:
 - (a) The participation is necessary to provide for the record an adequate presentation of a significant position in which the participant has a substantial interest, and that an adequate presentation would not occur without a grant of compensation; or
 - (b) The participation has provided a significant contribution to the record and has caused a significant financial hardship to the participant.
- (1m) The commission shall compensate any consumer group or consumer representative for all reasonable costs of participating in a hearing under s. 196.198.
- (2) Compensation granted under this section shall be paid from the appropriation under s. 20.155 (1) (j) and shall be assessed under s. 196.85 (1), except that, if the commission finds that the participation for which compensation is granted relates more to a general issue of utility regulation rather than to an issue arising from a single proceeding, the cost of the compensation may be assessed under s. 196.85 (2). Any payment by a public utility for compensation under this section assessed under s. 196.85 (1) or (2) shall be credited to the appropriation under s. 20.155 (1) (j).
- (2m) From the appropriation under s. 20.155 (1) (j), the commission may make grants that, in the aggregate, do not exceed an annual total of \$300,000 to one or more nonstock, nonprofit corporations that are described under section 501 (c) (3) of the Internal Revenue Code, and that have a history of advocating at the commission on behalf of ratepayers of this state, for the purpose of offsetting the general expenses of the corporations, including salary, benefit, rent, and utility expenses. The commission may impose conditions on grants made under this subsection and may revoke a grant if the commission finds that such a condition is not being met.



FERC Has Had Intervenor Funding Authority Since 1978, But Hasn't Established It—Until Now

Former U.S. Senator Howard Metzenbaum, Speaking On the Senate Floor, 1978, About the Importance of Intervenor Funding for the Office of Public Participation:

*For the first time, the Congress has assured the electric consumers of this country that their voice will be heard. And Mr. President, I should point out that not only will the consumer's voice be heard, but the conference report provides that if the individual or individuals who "substantially contribute" to the ultimate determinations of the hearings **may be compensated for their efforts**. This is a great victory for the consumer, who will finally be able to compete on an even footing with the utility industry of this Nation. I would like to commend my colleagues on the Conference Committee for preserving this provision.*

But One Year After This Speech, Utilities Lobbied Congress and Inserted Language Defunding the Office

“None of the funds appropriated for Department of Energy activities by this Act shall be used to pay expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.”

In 2016, Public Citizen Petitioned FERC To Create The Office—But The Commission Ignored It

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

**Petition To Initiate A Rulemaking To Establish The Office Of Public Participation As
Established By Congress And To Fund Its Work**

Pursuant to Rule 207 of the Commission’s Rules of Practice and Procedure¹, the undersigned organizations hereby petition FERC to implement 16 USC § 825q–1 by initiating a rulemaking to carry out the instructions from Congress to establish the Office of Public Participation and fund its work.

In 1978 Congress initiated sweeping changes to the Federal Power Act when it passed Public Law 95-617, the “Public Utility Regulatory Policies Act of 1978” (PURPA). Title II (“Certain Federal Energy Regulatory Commission and Department of Energy Authorities”), Section 212 (“Public participation before Federal Energy Regulatory Commission”) of PURPA ordered the creation of an Office of Public Participation at FERC. The full text follows:

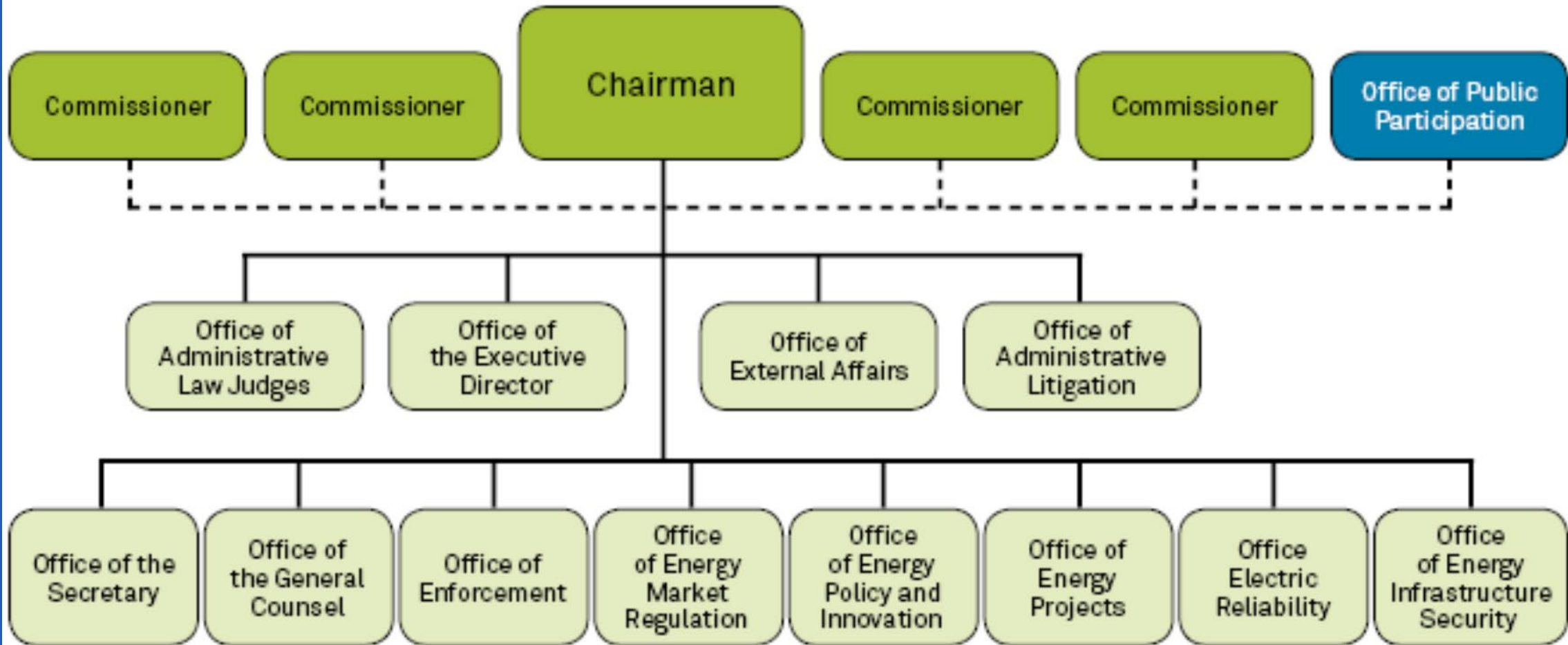
On December 27, 2020 President Trump signed the *FY2021 Omnibus and COVID Relief and Response Act* (HR133). The accompanying joint House-Senate Appropriations Committee Report (Division D—Energy & Water) states:

“FERC is directed to submit to the Committees on Appropriations of both Houses of Congress not later than 180 days after enactment of this Act a report detailing how it will establish and operate the Office of Public Participation required under section 319 of the Federal Power Act, beginning in fiscal year 2022. As part of the report, FERC shall provide an organizational structure and budget for the office sufficient to carry out its statutory obligations. The report shall assume that funding for the Office of Public Participation will be derived through annual charges and filing fees as authorized by the Federal Power Act and the Omnibus Budget Reconciliation Act of 1986.”

Office of Public Participation Statutory Requirements:

- **Director serves a four year term, appointed by the Chair and confirmed by full Commission.**
- **The Director shall coordinate assistance to the public, including to persons intervening, participating or proposing to intervene in proceedings before the Commission.**
- **The Commission can provide compensation for reasonable attorney's fees, expert witness fees, and other costs of participating in any FERC proceeding to any person whose participation **substantially contributed** to the approval, in whole or in part, of a position advocated by such person.**
- **Such compensation may be paid only if the Commission has determined that—**
 - (A) the proceeding is significant, and
 - (B) such person's participation without receipt of compensation constitutes a significant financial hardship to him.

Federal Energy Regulatory Commission's new look



As of Feb. 9, 2021.

Source: Federal Energy Regulatory Commission

The Office of Public Participation Doesn't Change The Law Or Standards to Address Economic & Environmental Justice: It Simply Provides Direct Financial and Logistical Support To Give Communities Access to the Resources Needed to Meaningfully Participate And Contribute To On-the-record Proceedings

Public Citizen Envisions Two Broad Functions of the Office of Public Participation

First, conducting extensive outreach and providing technical assistance to those representing the interests of consumers, environmental justice, climate and equity; tribes; labor unions; landowners and others impacted by infrastructure; and municipalities.

Second, coordinating financial assistance, with FERC's Administrative Law Judges conducting the award evaluation.

The only advocacy conducted by the Office is encouraging public participation at FERC. The Office will take no positions on tariffs or pipelines, other than to work hard to ensure the public is aware, knowledgeable, and equipped with the resources required to meaningfully participate.

Environmental Justice

- **The FERC OPP should have an Environmental Justice Managing Director tasked with dedicated outreach and coordination of financial assistance to encourage participation.**
- **The FERC OPP should consult with the Council on Environmental Quality and its guidance on Environmental Justice under the National Environmental Policy Act, along with the White House Office of Climate Policy, relevant state attorney general environmental justice programs, the EPA's Office of Environmental Justice, and the U.S. Dept of Energy's Energy Justice office.**

The FERC Office of Public Participation must have field staff to meet the public where they live

- **For all applications for construction and operation of interstate natural gas pipelines, and applications for pipeline abandonment, FERC OPP staff should immediately engage impacted communities and serve as a point of contact for assistance. Communities should hear from OPP before being contacted by lawyers for the pipeline companies. OPP staff must travel onsite for some period to work with the local community.**
- **The FERC OPP should have dedicated staff tasked to each of the six Regional Transmission Organizations: California-ISO, PJM (13 states from Illinois to Maryland/DC), New York-ISO, ISO-New England, Midcontinent Independent System Operator (15 states from Montana to Louisiana) and Southwest Power Pool (parts of 9 states from North Dakota to Texas), including the consideration of field offices at each of these six RTOs/ISOs.**
- **FERC OPP staff will have unfettered access to RTO meetings, and provide reports on RTO proceedings for public dissemination.**
- **Consideration could be made to extend qualifying intervenor funding for the public interest to meaningfully participate in RTO stakeholder processes (and similar North American Electric Reliability Corporation stakeholder meetings).**

Intervenor Funding Mechanics

- **Parties seeking compensation could be required to submit A Notice of Intent to Claim Intervenor Compensation at the beginning of the proceeding.**
- **In no later than 60 days after the issuance of an order in the proceeding, those seeking compensation should file a claim.**
- **The claim would be processed and evaluated by an Administrative Law Judge, who would be required to issue a Proposed Decision on the award within 75 days of the claim being filed by the party.**
- **The party seeking compensation would have 15 days to dispute any clerical or substantive errors in the Proposed Decision, which could be appealable to a panel of ALJs.**
- **No later than 30 days after a Final Decision on awarding compensation, the claim would be paid to the applicant.**

From Our April 2021 FERC Comments

In any proceeding filed by a public utility—such as any rate filing under Section 205 of the Federal Power Act; FPA Section 203 filings; or Petitions for Declaratory Orders—the **public utility initiating the proceeding will be financially responsible for paying intervenor compensation claims** as determined by the ALJ. For Notice of Proposed Rulemakings, Technical Conferences, or any other Commission-initiated docket, and any FPA Section 206 proceedings (including those initiated by private parties), the Commission shall be responsible for providing the intervenor compensation award as determined by the ALJ.

The Office shall have authority to provide grants to assist with public interest participation in FERC-jurisdictional activities that do not involve a formal proceeding at the Commission, such as stakeholder events at RTOs.

Attorney Referral Program

- **In comments to FERC in Docket No. AD₂₁₋₉, we proposed that the Office of Public Participation designate *Most In Need* status for those organizations and individuals that lack resources or infrastructure to utilize the intervenor funding process.**
- **For *Most In Need* intervenors, the Office should oversee a *Public Interest Attorney Referral Program* to provide immediate, up-front assistance for those intervenors that cannot ride out the intervenor compensation process.**

Glick Announces Appointment of Elin Katz as Director Of FERC's New Office of Public Participation

October 12, 2021



Federal Energy Regulatory Commission

1-202-502-8004 customer@ferc.gov

HOME > OFFICE OF PUBLIC PARTICIPATION (OPP)

Office of Public Participation (OPP)



Office of Public Participation (OPP)

Overview

How to Participate

Contact FERC

Intervene

File a Comment

About OPP

Pursuant to [Section 319](#) of the Federal Power Act, the Commission has established the the Office of Public Participation (OPP) to assist the public with Commission proceedings. The Commission has produced a [public report](#) to guide the development of the office based on [stakeholder feedback](#) during listening sessions, a full-day workshop, and a written comment period.

The public can contact OPP now for assistance navigating Commission proceedings of all types. Examples include questions on when and how to intervene, comment, file motions, or seek rehearing. OPP will not assist in the actual drafting of pleadings and other submissions.

Quick Links

- [Oct 7, 2021 - Office of Public Participation Workshop on Technical Assistance](#)
- [Workshop Regarding the Creation of the Office of Public Participation](#)
- [FERC Report on the Office of Public Participation](#)

Next Steps on FERC OPP

We are working with new OPP Director Elin Katz on a proposed rulemaking by the end of the year to flesh out details of how intervenor funding will work.

Addendum: Natural Gas & Oil Market Reforms

- **Natural Gas Spot Markets Are Nearly Free From Any Direct Regulation.** In June 2021 Public Citizen petitioned FERC: Federal law requires the Commission to ensure that **spot natural gas price indices feature adequate price discovery and market transparency**. Spot natural gas price indices are structurally non-competitive and the voluntary nature of reporting trades renders them susceptible to market manipulation. The rest of the world has been replacing voluntary price indices for benchmarks with far larger economic impacts than U.S. natural gas spot prices (such as LIBOR), and the Commission should establish an electronic information system, as authorized by 15 USC § 717f-2(a)(4).
- **All U.S. Department of Energy LNG export licenses are subject to modification through a public hearing process that could be used to curtail exports via a petition requesting such action.** Public Citizen proposes to petition the DOE to curtail exports at each of the six active export terminals on the basis that the current volume of LNG exports violate the public interest.
- **In addition, President Biden may impose export licensing requirements or other restrictions on the export of crude oil for a period of not more than one year, if POTUS notices a national emergency declaration in the Federal Register.**