

United States House of Representatives
Committee on Energy and Commerce
Subcommittee on Energy

April 30, 2025 Hearing
“Assuring Abundant, Reliable American Energy to Power Innovation”

Questions for the Record
Responses of Terry Turpin, Director, Office of Energy Projects
& David Morenoff, Acting General Counsel
Federal Energy Regulatory Commission

August 1, 2025

The Honorable Robert E. Latta (R-OH-5)

1. There’s no question the National Environmental Policy Act (NEPA) review process has gone far beyond its intended purposes. Project developers are regularly bogged down with frivolous litigation that delays projects, cost millions, and inhibits the development of vital energy infrastructure. The recent 8-0 Supreme Court decision on the scope of NEPA illustrates that the problems with NEPA are not politically motivated, they’re common sense.
 - a. How does FERC incorporate comments and recommendations from affected states and the Environmental Protection Agency (EPA) into its decision-making process?

Answer: The Commission carefully reviews comments and recommendations from all stakeholders, including EPA and state agencies, in light of the standards established by Congress in the Natural Gas Act and Federal Power Act.

- b. If water quality concerns are raised during the FERC-led NEPA process, would FERC be able to adequately respond to those concerns as part of its NGA and NEPA review process?

Answer: Yes, the Commission can address water quality concerns in the context of the Natural Gas Act and the Federal Power Act. However, the Commission does not have the expertise or staffing needed to ensure compliance with the Clean Water Act program for regulating discharges of pollutants and regulating quality standards for surface waters.

- c. What should Congress do to restore efficiency in the NEPA review process for necessary energy infrastructure projects? Is reforming judicial review vital to address NEPA procedural review delays that complicate energy infrastructure permitting processes?

Answer: I do not have any specific recommendations regarding the NEPA process, other than noting that the process is most efficient when all affected agencies act in a timely, coordinated manner. It is my understanding that the Supreme Court's *Seven County* decision has provided valuable guidance to the Courts of Appeals on how to treat NEPA cases.

- d. How can Congress ensure that reviews under CWA Section 401 predictably interpret the statute to build critical infrastructure?

Answer: I do not have any recommendations for Congressional action regarding CWA section 401.

2. The Subcommittee on Energy heard from all seven of the Nation's Independent System Operators (ISO) during our hearing on March 25, 2025. A common concern amongst the system operators was the unbalanced interconnection queue, filled overwhelmingly (over ninety or ninety-five percent in some cases) with intermittent resources such as wind and solar. At the same time, reliable, baseload generation is prematurely retiring due to federal and state decarbonization policies, leading to a further distortion of our generation mix, and exacerbating the already growing electric reliability crisis.
 - a. Is FERC aware of this growing concern amongst the system operators and if so, what direction does Congress need to take to address this issue?

Answer: In various proceedings before the Commission, regional transmission organizations and independent system operators have expressed concerns about the pace of generator interconnection. For example, California Independent System Operator Corporation, PJM Interconnection, L.L.C., Midcontinent Independent System Operator, Inc. and Southwest Power Pool, Inc., have each submitted targeted proposals to address interconnection queue backlogs and prioritize resources to address near-term reliability and resource adequacy concerns; the Commission has approved proposals for each of these regions. If Congress determines that challenges related to the interconnection of generation warrant providing further direction to the Commission and further tools for the Commission's use in addressing those challenges, then the Commission stands ready to take on those additional responsibilities.

- b. Given the growing concerns with the clogged interconnection queue, PJM implemented the Reliability Resource Initiative (RRI) which signaled the need for reliable generation, and was approved by FERC in February 2025. The GRID Power Act, introduced by Representative Balderson, is designed to address the same issue by prioritizing dispatchable generation projects that enhance grid reliability. How could this incentive for reliable, baseload generation impact the overall resilience of the bulk power system?

Answer: The Commission has acted in response to various proposals to address resource adequacy and grid reliability. The increased availability of dispatchable generation could promote resiliency of the bulk power system, to the extent the dispatchable resources

facilitate the ability of the bulk power system to withstand, reduce the impact of, and more quickly recover from disruptive events. If Congress passes the GRID Power Act, the Commission stands ready to implement it.

3. During the same hearing on March 25, 2025, PJM, the largest system operator by customers served, strongly emphasized that shutting down reliable baseload generation impacts not only the grid in which the generation is located, but also negatively impacts the reliability of the neighboring grids. Members of our Committee have listened to these concerns, resulting in the Reliable Power Plant Act of 2025 being introduced by Representative Griffith.
 - a. Given that FERC oversees not only each individual regional grid, but also the entire ecosystem of the bulk power system, how do issues such as this concern you? Would the Reliable Power Plant Act of 2025 help to address this concern of generation retirement affecting the bulk power system?

Answer: The reliability of the bulk power system is of paramount concern. The country is experiencing rapid growth of electric load unlike anything seen in at least several decades. Retaining existing generating resources that are needed for reliability but considering retirement is important to not only meeting load growth but doing so in an affordable manner. If Congress sees fit to enact the Reliable Power Plant Act of 2025, the Commission stands ready to implement it.

4. The North American Electric Reliability Corporation placed most of our nations grid at an elevated risk for reliability issues in its 2024 long-term reliability assessment. Additionally, several independent system operators testified before this Subcommittee that federal and state policies increasing demand for carbon free energy have led to significant resource adequacy and reliability challenges.
 - a. Rulemaking from the Environmental Protection Agency (EPA), such as the Clean Power Plan 2.0, and similar regulations from state agencies have catalyzed this reliability issue. Most system operators agree that grid reliability was not properly considered when finalizing these rules. Do you think there would be a positive impact on grid reliability if agencies like the EPA were required to listen to FERC's recommendations on rule making that impacts the bulk power system?

Answer: Communication among Federal agencies on issues of overlapping concern and shared expertise in general should be encouraged. Agency consultation with the Commission regarding bulk power system reliability likely would have a positive impact on grid reliability. If Congress determines that greater interagency coordination with respect to potential rulemakings is warranted, then the Commission stands ready to take on that additional responsibility.

5. Electricity demand is projected to surge in the United States by an unprecedented rate over the next decade, primarily due to the increase in data centers, growth in the domestic manufacturing sector, and economy wide electrification. As has been mentioned in almost all our hearings so far this Congress, baseload generation is essential to meet this surge in demand, and natural gas will certainly be a major component of the generation mix. Unfortunately, natural gas infrastructure severely lags behind the development of the overall natural gas industry, primarily due to the roadblocks energy developers face when building natural gas pipelines. Several existing interstate pipelines are fully subscribed with limited or no available capacity during peak periods.

a. What role does natural gas and its related pipeline infrastructure play in meeting the growing energy demand needs?

Answer: It is my understanding that natural gas, and accordingly pipeline and storage infrastructure, is viewed as a crucial supply source by electric generators and other end users that has grown in the past several years. Between 2014 and 2024, natural gas-fired electricity generation in the United States rose by approximately 65%, from slightly over 1,000 TWh to 1,759 TWh — reaching 42% of total generation in 2024, with particularly strong growth in regions such as PJM, MISO, and the Southeast.

Source: U.S. Energy Info. Admin., Form EIA-923, Power Plant Operations Report (2014-2024), <https://www.eia.gov/electricity/data/eia923/>. FERC, 2024 State of the Markets Staff Report (March 20, 2025), <https://www.ferc.gov/news-events/news/SMR-2024>.

b. Can you explain the challenges related to building additional pipelines?

Answer: From a regulator's perspective, challenges project sponsors face when seeking to build additional pipelines include: determining a market, designing an appropriate project, finding a suitable route, securing financing, obtaining permits and authorizations from state agencies with authority under federal statutes (e.g. Clean Air Act and Clean Water Act), and overcoming judicial challenges by non-governmental organizations, local communities, and state agencies regarding environmental issues and project need.

c. Does this increasing demand necessitate an urgent need for policy action to further develop and deploy natural gas infrastructure?

Answer: The Commission has recognized the urgent need for development of additional natural gas infrastructure and prioritizes new infrastructure per the statutory mandate under the Natural Gas Act.

The Honorable Mariannette Miller-Meeks (R-IA-2)

1. In your testimony, you noted that many of the efforts listed in the Improving Interagency Coordination for Review of Natural Gas Pipelines Act are ongoing coordination efforts. You also mentioned that project sponsors often choose to sequence filings. From a technical perspective, do you believe this sequencing contributes to delays in the approval process?

Answer: It can. As noted in testimony, the timing of filing applications or providing information is determined by the project sponsor, based on both their ability to obtain the information and the scope and complexity of the project.

- a. What specific coordination challenges exist because of sequenced filings between FERC and other federal agencies?

Answer: The Commission's existing practices include coordination with other agencies to cooperatively prepare a single NEPA document for all federal authorizations. Because the information that an agency deems necessary for its authorization may not be available until after the Commission has completed its environmental review and issued an order, sequenced filings could result in cooperating agencies not having information that they need to cooperatively prepare the NEPA document.

- b. Are there instances where improved coordination could significantly accelerate the approval process?

Answer: Early coordination among project sponsors and other permitting agencies on such matters as information needs and timing of information availability could help accelerate the approval process.