

From: POLITICO Pro Energy
To: megan_bloomgren@ios.doi.gov
Subject: Morning Energy, presented by POET: DOE, FERC nominees ready for their closeups — Keystone hints in Trump's Paris dilemma — Montana votes on Zinke's seat today
Date: Thursday, May 25, 2017 4:43:38 AM

By Anthony Adragna | 05/25/2017 05:41 AM EDT

With help from Esther Whieldon, Eric Wolff, Darius Dixon and Bernie Becker

DOE, FERC NOMS STEP INTO THE SENATE SPOTLIGHT: The Senate Energy and Natural Resources Committee is trying to vet the energy appointees as quickly as possible, so today brings a three-fer: Deputy Energy Secretary candidate Dan Brouillette, and FERC picks Neil Chatterjee and Rob Powelson are all getting their time in the sun today. Brouillette is well liked among those who know him from his work on congressional affairs at DOE in the early years of the George W. Bush administration. But most of energy industry's interest is focused on the potential FERC commissioners, and they are hoping there are no hiccups for Chatterjee and Powelson so that they can be sped off to restore the agency's quorum.

Smooth sailing? Chatterjee, an aide to Senate Majority Leader [Mitch McConnell](#), is well-known to just about everyone on the energy committee (ENR Chairwoman [Lisa Murkowski](#) deemed Chatterjee the "energy whisperer" as he helped shepherd last year's energy bill through the Senate). Powelson, who has been a member of the Pennsylvania Public Utilities Commission since 2008, including several years as its chairman, has strong ties to his state's congressional delegation. He did an [extensive interview](#) with POLITICO last fall, shortly after he became the president of the National Association of Regulatory Utility Commissioners, discussing natural gas pipeline infrastructure, the drama unfolding in regional electricity markets and carbon pricing. But Powelson got in [hot water](#) in March for saying that people protesting pipeline projects were engaged in a "jihad" against natural gas.

Duty calls: Getting through the hearing is likely to be easier than giant backlog of work that awaits the two nominees at FERC should they be confirmed, as Darius [explained](#) earlier this month. Add to that the constant flow of tasks on physical and cybersecurity matters, income tax issues and conflict around PURPA. Both Chatterjee and Powelson have been in government for more than seven years, which makes their [financial disclosures](#) and [ethics agreements](#) fairly yawn-worthy. For his part, Brouillette is [giving up](#) interests he has in four small utilities, if confirmed. But with Memorial Day recess afoot, FERC's quorumless streak will hit the four-month mark before ENR can even vote on them, let alone the full Senate. The hearing starts at 9:45 a.m. in Dirksen 366.

GLIMPSES OF KEYSTONE IN PARIS DEBATE: President Donald Trump's drawn out decision of whether to leave the Paris agreement evokes a political dynamic oddly similar to the one that Hillary Clinton and Barack Obama faced on the Keystone XL pipeline, another largely symbolic decision, Pro's Nick Juliano [reports](#). He faces pressure from Washington elites and foreign allies who want him to stick with the Paris deal — echoing the D.C. establishment and Canadian government pressure for Obama and Clinton to back Keystone.

Trump is hearing arguments that sticking with the nonbinding pact would weaken his domestic energy agenda from [attorneys general](#) in energy-producing states like West Virginia and Texas, and conservative groups in Washington like the [American Energy Alliance](#). But his most diehard supporters are hardly taking to the streets over the Paris deal, and even some

conservative Republicans don't seem all that invested in his ultimate decision. "You know, I didn't like the way that President Obama got into that, but as I think one of my colleagues has pointed out it doesn't cost us any money, and it doesn't obligate us to do anything," Sen. [John Cornyn](#) (R-Texas) said Wednesday. "So it's more an appearances issue."

Trump is said to be leaning against remaining in the deal, which he promised to cancel during the campaign. But he has changed his mind on several other issues so far this year, and a decision has been slow in coming amid the divisions within the administration. Sticking with it would send a begrudging yet powerful signal that the U.S. acknowledges that climate change is a problem worth addressing, even as the administration is already in the process of rolling back Obama's rules that limit greenhouse gas emissions from power plants, automobiles and other major sources, while it hurries to open up vast new tracts of federal land and water to fossil fuel development.

IT'S ANOTHER BUSY DAY IN WASHINGTON! I'm your host Anthony Adragna, and the Renewable Fuels Association's Rachel Gantz was first to pick out Vice Presidents Spiro Agnew and John Calhoun as the only two to resign. For today: During the Civil War, who was Jefferson Davis' vice president? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#), and [@POLITICOPro](#).

PROGRAMMING NOTE — Due to the Memorial Day holiday, Morning Energy will not publish on Monday, May 29. Our next Morning Energy will publish on Tuesday, May 30. Please continue to follow Pro Energy issues [here](#).

ME FIRST — 21 REPUBLICAN SENATORS: BID ADIEU TO PARIS: A group of Republican senators are out with [a letter](#) this morning to Trump urging him to leave the Paris agreement, arguing that sticking with it might allow environmentalists to force climate change regulations through litigation. "Leading environmental attorneys have been candid that they intend to use the Paris Agreement and the existing endangerment finding to force EPA to regulate under Section 115 of Clean Air Act," wrote the lawmakers, including [Jim Inhofe](#), [John Barrasso](#) and Senate Majority Leader [Mitch McConnell](#). Interestingly, they argue the U.S. will retain a voice in future discussions through its participation in the UNFCCC, which some conservatives have urged Trump to withdraw from as well.

But Brown thinks Trump will come around: California Gov. Jerry Brown told reporters at a climate change conference hosted by the Netherlands in San Francisco he considers Trump a political "realist" who will likely listen to what Pope Francis, China and other world leaders are saying on the issue, POLITICO California's Carla Marinucci [reports](#).

**** A message from POET - one of the world's largest ethanol producers:** With scientists and engineers, POET operates 30 biofuel facilities & America's first cellulosic biofuel plant. We produce a cleaner fuel for millions of drivers, every day. We're POET and we're driving innovation, from the ground up. Learn more [here](#). **

MONTANA FILLS ZINKE'S SEAT TODAY: Big Sky voters head to the polls today to fill Interior Secretary Ryan Zinke's congressional seat. Republicans are saying the race between Republican Greg Gianforte and Democrat Rob Quist is "[closer than it should be](#)" in the traditionally red state. Polls close at 8 p.m. Montana time so it may be a while before we know how this one turns out. There are late-breaking [reports](#) that Gianforte assaulted a reporter Wednesday.

OPEC EXPECTED EXTEND QUOTA CUTS: OPEC and non-member oil producers gather in Vienna today, and an extension of output production of up to year appears to be in the cards, Reuters [reports](#). Recent statements from major oil producing nations indicate the cuts will continue through at least the first quarter of 2018.

NEVER GONNA GIVE YOU UP: Don't look now, but a bipartisan Senate group is coming together to get a group of energy tax credits finally over the hump. The group will be working on what a Democratic leadership aide called a "few small items that are well-vetted and should have already been processed," including clean energy tax credits that supporters say were mistakenly left out of a 2015 budget deal, a nuclear production tax credit that lawmakers from Georgia and South Carolina have been fighting for, and an incentive for carbon capture. [Tom Carper](#) (D-Del.), [Chris Coons](#) (D-Del.), [Lindsey Graham](#) (R-S.C.), [Heidi Heitkamp](#) (D-N.D.), [Tim Scott](#) (R-S.C.) and [Sheldon Whitehouse](#) (D-R.I.) are all expected to join the group — which might see a couple potential legislative vehicles pop up this year, given that lawmakers will have to deal with government funding and the debt ceiling, and are pressing ahead on tax reform. "The nuclear production tax credits just need to be done," Scott said Wednesday, adding he'd work with "any group that's willing to have the conversation about getting that accomplished."

One name not attached to the working group: Sen. [Dean Heller](#) (R-Nev.), a backer of renewable energy tax credits who also happens to be an endangered GOP incumbent next year. But the Democratic aide denied Heller was excluded for political reasons, instead saying he didn't take part in efforts to get the tax incentives extended in the most recent budget deal.

PRUITT MEETS PUBLIC HEALTH GROUP: EPA Administrator Scott Pruitt [met](#) Wednesday with representatives of the American Academy of Pediatrics to discuss "how we can continue to improve children's environmental health." The group tweeted, "whenever there is an opportunity to advocate for children to those in power, AAP leaders are there."

E15 WAIVER HEARING STILL COMING: It's not scheduled yet, but Senate EPW Chairman [John Barrasso](#) told reporters Wednesday that legislation allow year-round sale of gasoline blends with 15 percent ethanol would still get an EPW markup. "We haven't sent a date yet, but we'll do it," he said. ME readers likely remember the promise of a committee vote got a bloc of corn-state Republicans to back an ([ultimately unsuccessful](#)) effort to overturn an Obama-era methane regulation.

'First step' on RFS reform: The House Energy and Commerce Committee took its first official step in revamping the Renewable Fuel Standard with a roundtable discussion Wednesday. "We're looking forward to continuing our thorough review in order to better understand what's working, what's not, and whether the goals of the program are being achieved," a committee aide told ME.

MURKOWSKI REMAINS COOL TO SPR SELLOFF: Don't expect Murkowski, chairman of the energy panel and senior appropriator, to get behind the Trump administration's desire to sell off half the nation's emergency oil stockpile. "I think the direction that the administration is taking or as I'm reading the lines there is 'we don't necessarily need as robust a Strategic Petroleum Reserve because what we're going to do is enhance energy production,'" she said. "I like that, but does that really happen? ... There are some things that need to be reviewed and considered." She promised to ask Brouillette about the matter during his confirmation hearing today.

MAIL CALL! SAVE THE WETLANDS FUNDING: [175 House members](#) and [45 senators](#) sent letters to top appropriators asking for robust fiscal 2018 funding for the North American Wetlands Conservation Act program. "NAWCa represents a reasonable, cost-effective approach to wildlife conservation," they wrote. "While we understand the fiscal constraints this year, we would like to point to this program's demonstrated success at developing non-federal sources and diverse partnerships for the conservation of wildlife habitat." Both letters received significant bipartisan support.

LAWMAKERS TO GAO: TAKE A LOOK AT HANFORD: An eclectic group of House and Senate lawmakers — Senate ENR ranking member [Maria Cantwell](#), House Energy and Commerce Chairman [Greg Walden](#), Sen. [Patty Murray](#), House Energy and Commerce ranking member [Frank Pallone](#), Sen. [Ron Wyden](#), Rep. [Dan Newhouse](#) and House Republican Conference Chair [Cathy McMorris Rodgers](#) — asked GAO in [a letter](#) to look at ongoing cleanup efforts at the Hanford Nuclear Reservation in Washington and examine what remediation still needs to be completed. "We were alarmed by the recent tunnel collapse at the Hanford site, and are concerned that future events could put the safety of workers, the public and environment at risk," they wrote.

DELAWARE TRADES WANT EPA TO CHANGE RFS OBLIGATION: The Delaware AFL-CIO and Delaware Building Trades are asking EPA's Pruitt to change which companies bear the obligation of complying with the Renewable Fuel Standard. In [a letter](#) sent yesterday, the union argues that the current system, which requires refiners to purchase credits to prove compliance, "puts merchant refiners like the [PBF Energy's] Delaware City at risk." The union joins the United Steelworkers in asking for the change.

REPORT: SIGNIFICANT PHISHING ATTACK AT INTERIOR: A major cybersecurity attack in January 2016 that likely originated outside the U.S. resulted in 1,500 Interior employees receiving phishing emails and approximately 100 compromised email accounts, according to [a report](#) released Wednesday by the agency's inspector general. In response, official accelerated the deployment of a two-step authentication process for email access and stopped the attack within 11 days of it beginning.

REPORT: ANTIQUITIES ACT FUELS LOCAL ECONOMIES: The Mountain Pact, a collection of Colorado towns, released a [white paper](#) today analyzing the importance of the Antiquities Act for sustaining local economies in the West. "Investment in, protection and expansion of public lands is a vital part of ensuring that mountain communities can continue to sustain and grow their outdoor economies," it states.

PESTICIDES BILL CLEARS HOUSE AGAIN: Lawmakers voted 256-165 Wednesday in favor of the [Reducing Regulatory Burdens Act](#), which would exempt pesticide applicators from Clean Water Act permitting requirements, Pro's Annie Snider [reports](#). Similar measures have cleared the House multiple times since a 2009 court ruling that mandated the Clean Water Act permits, but the Senate has never taken them up.

SENATE DEMOCRATS CRY FOUL OVER OVERSIGHT OBSTRUCTION: Sixteen senior Senate Democrats, led by Minority Leader [Chuck Schumer](#), sent [a letter](#) to Trump demanding answers on whether the White House had instructed federal agencies not to respond to the oversight requests of Democrats. "While some agencies have responded to limited number of these requests, most have gone unanswered," they wrote. "If at the instruction of the White House information is being intentionally withheld on a partisan basis, such actions would be simply unacceptable." [Tom Carper](#), top EPW Democrat, has raised

serious concerns about the lack of responsive information coming from EPA to his oversight letter requests.

LIKE A GOOD NEIGHBOR, PERRY'S THERE: Energy Secretary Rick Perry will receive the U.S.-Mexico Chamber of Commerce's Good Neighbor Award tonight at 9 p.m. in celebration of "his leadership in fostering collaboration between the U. S. and Mexico during his tenure as Governor of the State of Texas."

UTAH TOURISM OFFICE PROMOTING NATIONAL MONUMENTS IN CROSS HAIRS: The Utah Office of Tourism is [promoting](#) the Bears Ears National Monument even as the state's governor and congressional delegation is pushing Trump to rescind the monument. Gov. Gary Herbert signed a resolution in February urging the administration to remove the designation. But the tourism office within the governor's office has a page on its website dedicated to the monument. "This 1.35-million-acre national monument covers a broad expanse of red rock, juniper forests, high plateau, cultural, historic and prehistoric legacy that includes an abundance of early human and Native American historical artifacts," the website says. "Just as important to the Bears Ears designation are the modern-day connections that the Navajo Nation, Ute Mountain Ute Tribe, Hopi Nation and other tribes have to this land."

MOVER, SHAKER: Tom Starrs, vice president of market strategy and policy for SunPower Corp., has been named chairman of the Solar Energy Industries Association board; Michael Maulick, president of SunLink Corp., will be vice chairman.

QUICK HITS

- China Shuts Only Undersea Coal Mine Amid Production Rebound. [AP](#).
- 9.8 million people employed by renewable energy, according to new report. [CNBC](#).
- U.S. should act against proposed Russian gas pipeline, Democratic senator says. [MarketWatch](#).
- Presidents can't undo national monuments, new study says. [Salt Lake Tribune](#).
- France's Macron to try to convince Trump to back Paris accords: diplomats. [Reuters](#).

HAPPENING TODAY

8:15 a.m. — Environmental and Energy Study Institute event on transmission infrastructure, Reserve Officers Association, 5th Floor, One Constitution Ave NE

9:30 a.m. — House Appropriations Committee [hearing](#) on the U.S. Forest Service, 2007 Rayburn

9:45 a.m. — "[Nomination Hearing to Consider DOE, FERC Nominees](#)," Senate Energy and Natural Resources Committee, 366 Dirksen

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support 40,000 renewable energy jobs producing a cleaner fuel for millions of drivers, every day. We are securing a cleaner future for all of us. We're POET and we're driving innovation, from the ground up. Learn more [here](#). **

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<https://www.politicopro.com/tipsheets/morning-energy/2017/05/doe-ferc-nominees-ready-for-their-closeups-023001>

Stories from POLITICO Pro

POLITICO Pro Q&A: NARUC President Robert Powelson [Back](#)

By Darius Dixon | 12/28/2016 06:15 AM EDT

Robert Powelson, a Republican and Pennsylvania state regulator, was elevated in November to the presidency of the National Association of Regulatory Utility Commissioners, which represents state regulators across the country.

Powelson's been a member of the state's PUC since 2008, including five years as its chairman, where he dealt with disasters like Hurricane Sandy in 2012.

Powelson's one-year NARUC presidency begins amid the transition at the White House and across the executive branch, and his group plans to hammer on its issues like energy infrastructure, nuclear waste and pipeline safety. He's also frustrated with grid operators who he feels are "putting their heads down in the sand" when it comes to state initiatives aimed at rescuing nuclear plants and the need for PHMSA to have a leader that isn't "stuck inside the Beltway."

This interview has been edited for length and clarity.

NARUC presidents tend to have a particular issue of focus for their leadership. What are NARUC's priorities for 2017?

This is one of those rarified opportunities when you're elected to be president of NARUC and you're on a parallel path with a presidential transition. In Pennsylvania, we have great leaders in [GOP] Reps. [Bill Shuster](#) and [Lou Barletta](#) and what I've tried to stress is that we're all about infrastructure — roads, bridges, airports, mass transit, all that — but let's not forget what we do as public utility regulators with energy infrastructure.

It's the pipeline replacement and siting, transmission buildout, water infrastructure in a post-Flint, Mich., world where we're having a national discussion about lead contaminants. We're going to be stressing our points around the need to invest in energy infrastructure. We recognize the ports and the airports and the mass transit and intermodal transportation needs and infrastructure, but NARUC's going to be sitting there articulating a message around energy infrastructure as well.

How high a priority is nuclear waste and potentially moving forward with the Yucca Mountain repository?

From a NARUC perspective, we're becoming a little impatient with how these markers on Yucca keep getting moved. ... I've been to Yucca Mountain. I've been inside the mountain. I know it's there. I know it's been paid for.

In the past, NARUC approved a resolution saying the nuclear waste fee imposed on utilities shouldn't be restarted until the Energy Department moves ahead with Yucca or some other program authorized by Congress. If Yucca is back on the table, where is NARUC on the fee?

As the spent fuel stays onsite, I think policymakers in states like Pennsylvania and Illinois — [leading] nuclear production states, at the state legislature level and state homeland security level — there's a little bit of heartburn in terms when we're going to have this national solution.

Honestly, we have not had that kind of discussion recently at NARUC. I think a lot of people think about it at the macro level. State PUC commissioners believe it's been paid for and we're being asked to do it again.

New York approved a clean energy standard that includes subsidies for nuclear plants, and Illinois recently did the same. Do you see other states embracing that?

The Pennsylvania market — a net exporter of power, 46,000-plus megawatts, No. 2 natural gas production in the country next to Texas — we've seen close to a 56 percent drop in wholesale power prices since 2008, we've seen a market-based decarbonization since 2008.

Today, because of the benefits of the Marcellus here in the Northeast, we're bringing gas out of the wellhead at a \$1.96 MMBtu. In fact, Pennsylvania gas is almost a dollar cheaper than Henry Hub quoted gas. These are all the real-time, 'what's going on in the marketplace' [elements]. And then we have, at the federal level, a discussion about the Clean Power Plan and a meeting that took place on Capitol Hill about three months ago with DOE officials, representatives from the Nuclear Energy Institute, the Edison Electric Institute, and now all of a sudden everybody's like, "Oh my God. We've missed the mark on nuclear price formation issues."

Pennsylvania has a renewable portfolio standard. That RPS does not recognize the value of nuclear. It does not recognize the potential investment that a nuclear operator can make with a steam generator retrofit. And Pennsylvania is a devout supporter of competitive markets. [There are the] issues of Diablo Canyon in California and the issue of price distortion because of wind and the federal production tax credit, and the New York example of saving western nuclear units, jobs. Pennsylvania is a very different market than Illinois, New York and California.

We're following it in other states, but the construct would have to be looked at in the policy lens of the renewable portfolio standard in Pennsylvania being amended to recognize the value of nuclear. Granted, we don't regulate generation in Pennsylvania, but we recognize that value when we had the polar vortex in 2013 when we had a 24 percent forced-outage rate across PJM. The darling child that kept the lights on at 5 o'clock at night as people were coming home from work was nuclear power.

This issue needs to be looked at by PJM — the issue of nuclear price formation. The RTOs need to deal with the issue. Pushing it back to state regulators by these one-off mechanisms — if you're in a restructured market — basically puts us back in the business of doing integrated resource planning.

So, you're hoping for market-wide approaches?

Yeah, that, or if Congress wants to solve the problem, then put a value on carbon. But that's not gonna happen either.

I was in the room when [Sen.] [Lamar Alexander](#) in 2008 articulated a vision of a nuclear renaissance. Well, we haven't seen a nuclear renaissance. It's Watts Bar, Vogtle and SCANA and that's it. ... I'd love a nuclear renaissance. The problem is we've also got the gas renaissance taking place.

What are the central problems you have with the state-by-state approach to rescuing power plants?

It creates too many, what I call, energy policy moral hazards, and you're [looking to] state regulators that are not in the business of doing integrated resource planning, and you're asking us to do that. I think it creates a bastardized market construct and at the end of the day, this issue is best resolved with the RTO — in our case PJM — putting that value on carbon and dealing with it. Sheepishly, RTOs are putting their heads down in the sand and not saying a word.

Do you think they're expecting FERC to deal with this?

I think what they're looking to do is, as these things germinate in states, the RTO is now put in the very awkward position of how does this work in the capacity auction construct, and how does it pass the screen test at the FERC level of not bastardizing the Federal Power Act.

Do you get the sense that RTOs are waiting for the courts and FERC to address the New York clean energy standard before they take their next step?

That's seems to be the posture that we're seeing in PJM because if you take the Illinois example and assuming there's a discussion in New Jersey, and a discussion here [in Pennsylvania], the RTO is best equipped to address that. If there's going to be a value in the wholesale power market construct in our organized market, the grid operator needs to determine that, not the state regulator.

What other big issues are on NARUC's priorities?

Obviously, the Clean Power Plan is something the new administration will seek our input on. Then there are issues around net-neutrality and some FCC decisions and then you come back to energy. One of the big things after the passage of the SAFE PIPES Act this year, is that there is a disconnect between the states and PHMSA. One of our priorities with the new administration will be how critically important it is to identify a PHMSA administrator that understands the plight of gas safety operations back in the states.

These are largely domiciled in the state public utility commissions, but let's use my state as an example. We've got a lot more responsibility in the last five years. There was a state statute signed into law giving us new jurisdictional oversight. That comes with hiring new personnel, new engineers. Well, guess what — there's one training location in the U.S.

This has become a common-thread issue, brought up in a resolution that passed that expressed a concern that [PHMSA] can't expect states to ramp up their safety operations when there's only one training location in the country. When I was on the hill, and I talk to people like

[Reps.] Lou Barletta and Bill Shuster and Sens. [Bob Casey](#) and [Pat Toomey](#), they were alarmed to hear that.

Help us solve it. If you don't want to do brick-and-mortar training facilities, that's fine. But let's come up with a reasonable approach. It could be at a community college, it could be a university setting, whatever. But we gotta get beyond this backlog in training because it's really gonna come back and bite us.

PHMSA, at the administrative level, needs an individual in there that understands how state-based gas safety operations work — know the *modus operandi*. They can't be stuck inside the Beltway. You need someone who understands those state issues. It's been a very combative relationship. In fact, with PHMSA directors from [Cynthia] Quarterman to [Marie] Dominguez, we've pulled our hair out trying to get them as speakers. The joke at NARUC is that we know we've hit a homerun when the PHMSA administrator accepts an invitation to speak.

We're equal access. We want to have high-level, key administration folk come through. I give [EPA Administrator] Gina McCarthy a lot of credit. She worked NARUC and met with people who were diametrically opposed to the Clean Power Plan but she took the time to at least talk to us.

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New FERC picks face a mountain of difficult business [Back](#)

By Darius Dixon | 05/09/2017 07:09 PM EDT

President Donald Trump's new picks for FERC should have little trouble winning Senate confirmation, and once they do they will face a mountain of decisions about the future of power markets, the agency's relationship with the states, and its approach to enforcement.

Trump's long-awaited announcement that he would fill two vacancies on the five-seat commission couldn't have come soon enough for Sen. [Lisa Murkowski](#), who is angling for quick confirmation hearings before her Senate Energy and Natural Resources Committee.

"The FERC has been without a quorum since early February and they need the ability to get to work," Murkowski told reporters Tuesday.

Trump nominated Neil Chatterjee, a senior energy adviser to Senate Majority Leader [Mitch McConnell](#), and Robert Powelson, a Pennsylvania regulator with strong relationships in Congress, to the commission, but he has yet to tap a permanent FERC chairman. That position has been expected to go to Kevin McIntyre, a Jones Day lawyer who also is an expert in the Federal Power Act, FERC's core statute. In more than two decades with Jones Day, McIntyre has had a slew of energy industry clients, including South Carolina Electric & Gas Co. and SCANA Corp., making his financial disclosures and ethics paperwork more complicated than those who have been in government for several years.

The agency has been experiencing a traffic jam of energy infrastructure projects needing the

leadership's blessing.

"We are already building up quite a backlog," acting FERC Chairwoman Cheryl LaFleur said recently, noting that there'd been a steep drop-off in the number of orders issued since former Chairman Norman Bay's resignation in February dropped it to two members, preventing a quorum needed to conduct a lot of its most critical business.

Many of those orders, dealing with issues such as interstate natural gas pipeline projects and contested electricity rate plans, still require followup decisions to be made when more leaders are brought on. To help ease the agency's pileup, staff have been lining up draft orders for new commissioners to review as soon as they're sworn in.

Perhaps the biggest issue looming over the agency is how it plans to address a growing number of state-level policies tailored to specific energy sources — such as nuclear incentive programs recently approved in New York and Illinois — that are complicating the markets under FERC's jurisdiction.

The Electric Power Supply Association, which represents independent generators, filed complaints in January calling on FERC to ensure electricity prices in upcoming spring auctions in the [New York](#) and the mid-Atlantic area [PJM Interconnection](#) markets were not artificially lowered by state programs that subsidize struggling nuclear plants. But until at least one new member is confirmed, FERC's hands are tied.

Meanwhile, Ohio, Connecticut, New Jersey and Pennsylvania have all started to mull their options for helping power plants in their states just as state regulators and a broad swath of the energy industry has increasingly [looked to FERC for policy guidance](#).

Presidents and Congress typically aim to achieve geographic balance at FERC, and Powelson would be the only representative of a PJM state if he is confirmed.

In addition to being the largest power market overseen by FERC, PJM may test how the agency irons out differences — or butts head with — with states crafting lifelines for power plants. And Powelson has called for market operators to take a more forceful role in addressing issues such as aiding nuclear power through carbon pricing rather than leaving states to take bites out of the markets.

"I think it creates a bastardized market construct and at the end of the day, this issue is best resolved with the RTO — in our case PJM — putting that value on carbon and dealing with it," Powelson said in an [interview](#) with POLITICO last fall. "Sheepishly, RTOs are putting their heads down in the sand and not saying a word."

Carbon pricing got a lot of [airtime](#) at FERC's recent technical conference as perhaps the most market-friendly way to support nuclear power. Still, it was also clear that states within the same electricity market, like New England, couldn't agree on moving ahead with carbon pricing.

Another part of the policy deluge the new commissioners will feel pressure to act on is the agency's closely watched price formation initiative, which focuses on developing new market rules that boost how power plants are paid in an increasingly complex grid. That initiative, which was launched following the 2013-14 polar vortex that caused electricity prices in the Northeast to skyrocket, has been eyed particularly by companies with around-the-clock

baseload power plants, like the nuclear industry.

The FERC vacancies also exacerbated [uncertainty](#) surrounding the commission's work to protect energy markets against alleged manipulation. Once a new commissioner is confirmed — and a permanent chairman in place — leaders will have to decide how to respond to recent court losses over how they run enforcement cases. While FERC lawyers handle the particulars of each case, the commission leadership will have to debate any overarching change to its enforcement strategy, particularly if judges are going to force them to practically build the cases from scratch again.

FERC Commissioner Colette Honorable also recently announced that she will leave the agency later this year. Her departure provides another opening for Trump to fill but because FERC's board can't have more than three members of the same political party, tradition indicates that Democrats will pick who fills the seat.

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Trump's Keystone-style conundrum on the Paris climate deal [Back](#)

By Nick Juliano | 05/25/2017 05:03 AM EDT

President Donald Trump is dragging out a decision on the Paris climate change pact, creating a political dynamic strangely similar to the one that Hillary Clinton and Barack Obama faced on the Keystone XL pipeline, another policy call that was mostly symbolic.

Whether Trump exits or remains in the international climate pact will have little impact on U.S. greenhouse gas emissions, much like how Obama's decision to block Keystone did not reduce U.S. oil consumption.

The 2015 Paris deal itself was hailed as the major breakthrough in global cooperation to fight climate change, but the pact itself carries little weight, since it's built on individual nations' domestic actions and doesn't include penalties for failing to act. Trump's advisers have split over whether to exit the deal, an approach preferred by conservatives like chief strategist Steve Bannon and EPA Administrator Scott Pruitt, or to stay in and attempt to weaken the U.S. commitment, the preferred approach of Secretary of State Rex Tillerson and Ivanka Trump, among others.

Trump has already begun systematically eliminating the Obama policies that were built into Washington's commitments under the deal — and he can continue to do so even if he stops short of withdrawing. Similarly, even if Obama had approved Keystone, that single project would not be enough to counteract the emissions reductions promised by the rest of his climate policies.

Another Keystone parallel: Trump is essentially being asked to side with either the Washington elites and foreign allies who want him to stick with the Paris deal, or the voters who elected him, most of whom doubt the scientific consensus that humanity is responsible for climate change.

"It's the deplorables versus the swamp, the elites versus the deplorables," said Myron Ebell, the director of the conservative Competitive Enterprise Institute's Center for Energy and Environment who initially headed Trump's EPA transition operation.

On his first foreign trip this week, Trump is getting foreign pressure — from the Vatican and European leaders — to not abandon the climate deal, just as Obama and Clinton were lobbied by the Canadian government to approve the Keystone pipeline.

Many of the same Keystone-inspired activists who chained themselves to the White House fence during the Obama administration have marched by the hundreds of thousands against Trump's environmental policies. And although Trump's white working class base has been mostly silent on Paris deal, several [state attorneys general](#) and conservative groups like the [American Energy Alliance](#) have urged the White House to leave the pact.

CEI ran TV ads ahead of the president's foreign trip urging him to pull out of the deal, and dozens of mostly Washington-based conservative groups have written letters arguing against Paris. Ebell said more groups were expected to sign onto future letters, and Republican members of Congress likely would weigh in next week as well.

But there appears to be little evidence that Trump's genuine grassroots supporters are motivated by the Paris agreement itself, even as they cheer the president's regulatory moves to end what he calls Obama's "war on coal." Meanwhile, hundreds of thousands of liberal activists marched in Washington and around the world last month to protest Trump's policies.

Like the apathy that settled in around Keystone [over time](#), some conservative Republicans are saying it's not a big deal if Trump decides to stay in.

"You know, I didn't like the way that President Obama got into that, but as I think one of my colleagues has pointed out it doesn't cost us any money, and it doesn't obligate us to do anything," Sen. [John Cornyn](#) (R-Texas) said Wednesday. "So it's more an appearances issue."

The Trump administration is in the process of rolling back Obama's rules that limit greenhouse gas emissions from power plants, automobiles and other major sources, while it hurries to open up vast new tracts of federal land and water to fossil fuel development.

Those moves have been cheered in the rural, energy-producing states that helped deliver Trump the presidency — and they will have a profoundly greater effect on whether the planet can avoid potentially catastrophic global warming by the end of the century than whether Trump crosses out Obama's signature on the Paris pact documents filed away at U.N. headquarters.

If Trump decides to keep his pen in his pocket, it would send a begrudging yet powerful signal that the United States acknowledges that climate change is a problem worth addressing. That signal to the markets, combined with ambitious actions underway in Europe and China as well as states like California, would support the ongoing shift toward renewable fuels and natural gas — hindering the coal industry revival Trump so often promised on the campaign trail.

As a result, the future of the Paris deal has taken on outsized importance in the debates over the president's domestic and foreign policy goals.

"I think the people who look more than a few months ahead in the administration and in the

conservative movement, and I'd also say in Congress, understand that Paris threatens that whole agenda," Ebell said, predicting Trump would ultimately exit the deal.

"It will be used in litigation by environmental pressure groups to try to stop major pieces of that agenda" because the voluntary pledge Obama submitted specified that policies like the Clean Power Plan and strict vehicle emissions rules were necessary to meet the U.S. emissions reduction target, he added.

When Trump visited the Vatican Wednesday, Pope Francis presented the president with several books, including a copy of [Laudato Si](#), his encyclical demanding a response to the climate crisis. "Well I'll be reading them," Trump said of the books, according to a pool report.

And Vatican Secretary of State Pietro Parolin pressed Trump to stay in the Paris deal when they met, Tillerson said, and the president has not yet made up my mind.

The meeting included "a good exchange the difficulty of balancing addressing climate change, responses to climate change, and ensuring that you still have a thriving economy and you can still offer people jobs so they can feed their families and have a prosperous economy," Tillerson said. He added: "It's an opportunity to hear from people. We're developing our own recommendation on that."

Trump is said to be leaning against remaining in the deal, which he promised to cancel during the campaign. But he has changed his mind on several other issues so far this year, and a decision has been slow in coming amid the divisions within the administration.

"It was pretty clear we were winning" when word began circulating a few weeks ago that Trump would decide on Paris before leaving for his foreign trip, Ebell said. But now, "I think this is a period of great danger."

Anti-Keystone activists also used time to their advantage, and they managed to stretch out the saga for five years after then-Secretary of State Clinton said the administration was "inclined" to support the project in 2010. As a presidential candidate, Clinton was dogged by environmentalists over her refusal to take a stand on the project until she finally came out against it in September 2015. Obama formally rejected Keystone two months later — citing the U.S. efforts to build support for the Paris agreement among his reasons for turning it down.

Ebell said he is not worried about the lack of anti-Paris protesters in the streets because Trump knows "who elected him and why" and understands that Paris will affect the rest of his agenda.

"We're not trying to replicate the methods of the other side," he said. "We're trying to replicate the intensity, but intensity can be demonstrated in a lot of different ways."

Still, Paris supporters are optimistic that the president does not plan to make up his mind until after he returns from the G-7 summit at the end of this week.

"Every day that goes by that they haven't withdrawn is a good day," Sen. [Brian Schatz](#) (D-Hawaii) told POLITICO. "He is now in the process of getting an earful wherever he goes. And that's good."

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Brown: Trump will come around on climate change [Back](#)

By Carla Marinucci | 05/24/2017 06:08 PM EDT

SAN FRANCISCO — California Gov. Jerry Brown, one of the Democratic Party's most outspoken critics of Republican climate change policy, said Wednesday he now believes that President Donald Trump is a political "realist" who will likely listen to what Pope Francis, China and other world leaders are saying on the key issue - and that progress under his administration may be "not as disastrous as we thought a few months ago."

Brown cited Trump's meeting with Pope Francis on Wednesday - and the delivery of a papal encyclical on climate change - as one reason for optimism. Other positive signs: China's growing efforts to contain pollution and the effects of global warming, and the Trump administration's approval this week of \$657 million for the electrified Caltrain project in the San Francisco Bay Area.

"President Trump is a realist - and there's nothing more real than the atmosphere and the chemistry that determines our weather and our long-term climate," Brown told reporters at a climate change conference hosted by the Netherlands in San Francisco on Wednesday. "I don't know that he's going to come aboard immediately - but I do know that with our efforts in California, joining with other states and other provinces in the world, that we will be successful in pushing this agenda."

"There will be some bumps in the road," Brown said. "There's a great deal of denial - I see that in some of the people [Trump has] appointed. But I'd say the trend is toward dealing with climate change - and I don't think President Trump will stand in the way of that, ultimately."

The California governor - who has in the past lambasted Republicans as "luddites" on the climate change issue and Trump as a climate change denier - said he took it as a good sign that the president met with Pope Francis and that the two discussed the issue.

"Don't underestimate the power of the Holy Father," Brown said. "The pope is talking about climate change, he's handing him an encyclical ... and there are many conservative leaders in the world who support" efforts to reduce climate change.

The papal encyclical calls for drastic cuts in fossil fuel emissions, and the gift has been viewed as pressure on Trump to not withdraw from the Paris climate accord.

Trump has recently played up his admiration and positive relationship with Chinese President Xi Jinping, and Brown noted that the fact that "China is asserting such a world leadership role" in the matter is key. Brown will head to China next month to meet with Chinese leaders "and further that effort ... and I don't think President Trump will want to stand aside as this climate story unfolds."

Brown also cited the federal funding for Caltrain - the electrification of a commuter rail project that serves tens of thousands of workers daily in Silicon Valley - as a sign of progress, because it comes in spite of objections from GOP Majority Leader Kevin McCarthy and the Republican House delegation.

"Obviously, President Trump had a very different view than Mr. McCarthy," Brown said. While it appeared initially that the project was in danger from the Republican opposition, "that's the wonderful thing about politics - no matter what someone says today doesn't mean they won't change their minds tomorrow."

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Republicans: Montana special election 'closer than it should be' [Back](#)

By Elena Schneider and Gabriel DeBenedetti | 05/24/2017 05:17 AM EDT

GREAT FALLS, Mont. — Republican Greg Gianforte's closing motivational speech to voters ahead of Thursday's special House election in Montana is the same thing GOP strategists are whispering in private: "This race is closer than it should be."

It's a recurring nightmare of a pattern for Republicans around the country, as traditional GOP strongholds prove more difficult and expensive for the party to hold than it ever anticipated when President Donald Trump plucked House members like Ryan Zinke, the former Montana Republican now running the Interior Department, for his Cabinet. Gianforte is still favored to keep the seat red, but a state Trump carried by 20 percentage points last year became a battleground in the past few months.

Democrat Rob Quist, a folk singer and first-time candidate, has raised more than \$6 million for his campaign, including \$1 million in the past week alone as energized Democratic donors pour online cash into political causes this year. Quist hopes that enthusiasm also contributes to an outsize turnout — as it did in special elections in Kansas and Georgia earlier this year — for the oddly scheduled Thursday election, happening just before a holiday weekend.

"I remember talking to people when it first started who said this was a slam dunk, Gianforte's it. And it's not there anymore," said Jim Larson, the Montana Democratic Party chairman. "It is a lot closer than people ever thought it would be."

Gianforte, a technology executive, has led consistently in polls for the special election, but Quist has narrowed that lead to single digits in recent weeks, according to private surveys. "Gianforte has an edge, but it's not going to be a slam dunk," said one national GOP strategist.

Republicans have called on Vice President Mike Pence and Donald Trump Jr. to calm their nerves about turnout and prevent Democrats from having the only energized voting bloc in the special election. Both have rallied voters with Gianforte, and Pence recorded a get-out-the-vote robocall. Gianforte, who said little about Donald Trump when Gianforte ran for governor and lost in 2016, has cast himself as a willing and eager partner of the president this time around.

On Tuesday, surrounded by Trump stickers — and some Trump hat-wearing supporters — Gianforte said he was eager "to work with Donald Trump to drain the swamp and make America great again," invoking two of the president's campaign slogans. Pence's robocall may give another boost to Republican turnout efforts.

But the environment has changed since Trump's presidential win last fall. One senior Republican strategist warned that, based on the party's performance in special elections so far, if Republicans "cannot come up with better candidates and better campaigns, this cycle is going to be even worse than anybody ever thought it could be."

"The fact that we're talking about Montana — a super red seat — is amazing," said John Lapp, who led the Democratic Congressional Campaign Committee during the 2006 cycle. "It's also amazing how much money Republicans have to pour into these seats to defend them. It's still a steep climb in Montana, but we know that the reaction there means that there's a tremendous amount of Democratic energy across the country, a tremendous amount of fundraising that will then feed into races that are much fairer fights."

Democrats hope the passage of House Republicans' health care bill just three weeks before the election will put the wind at Quist's back. It has been the subject of Quist's closing TV ads, and he has called the plan "devastating" to Montana.

GOP outside groups have ensured that Republicans have a spending advantage, though, airing more than \$7 million worth of TV ads, versus about \$3 million from Democrats. House Majority PAC, Democrats' main House outside group, on Tuesday added a last-minute \$125,000 TV ad buy to the race, on top of \$25,000 announced last week.

But those ads may have reached a point of diminishing returns in a state that prefers retail politics, said Matt Rosendale, the Republican state auditor.

"The airwaves are saturated, and when people see political commercials come on, they completely block it out. I think there's a lot of money wasted on it," Rosendale said. "It's a necessity in Montana to meet people. You have to be able to go out and meet with them, look them in the eye and answer difficult questions face-to-face."

Operatives in both parties privately grumble about the quality of their candidates, with each arguing their paths to victory might be clearer with a standard-bearer carrying a little less baggage.

Republicans acknowledge that Gianforte has flaws Democrats exploited mercilessly in last year's gubernatorial race, likely cementing negative feelings about him from some voters. Gianforte is dogged by reports that he sued Montana to block access to a stream in front of his ranch, kicking up a public lands dispute that hits home with Montana voters and has "probably followed him into this House race," said Jeff Essman, the state's GOP party chairman.

Democrats, too, acknowledge that Quist isn't without his problems. Republican TV ads repeatedly attack Quist's various personal financial problems, including "a defaulted loan, tax liens, collections, foreclosure notices." Republican groups dug into Quist's medical records and questioned his musical performance at a nudist colony.

"I haven't seen this kind of opposition research on both sides on a House race in a long time," said one Democratic strategist who's worked in the state. "This is what you get when candidates are chosen in a nominating process and there's no vetting. Some people would say Quist is authentic, an outsider, a la Donald Trump, but Quist has a problematic record because he hasn't spent his career in politics being careful."

Quist called in his own big-name reinforcements to activate the Democratic base and cater to

the populist streak in the state, as Vermont Sen. Bernie Sanders headlined a handful of rallies alongside Quist last weekend.

It's a gamble, Sen. Steve Daines (R-Mont.) said, that could alienate some in the state, where Trump remains popular.

"Rob Quist is too liberal for Montana — he is very liberal. Democrats who have won statewide in Montana tend to be moderate, and Quist is no moderate," said Daines, who campaigned alongside Gianforte in the final stretch of the race. "Who did he parade across Montana this weekend? Bernie Sanders."

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Montana House GOP candidate cited after reporter says he 'body-slammed me' [Back](#)

By Hadas Gold and Gabriel Debenedetti | 05/24/2017 08:36 PM EDT

HELENA, Mont. — Montana Republican congressional candidate Greg Gianforte was issued a citation late Wednesday after he allegedly "body-slammed" a reporter at a campaign event on the eve of a hotly contested special election.

Ben Jacobs, a reporter for The Guardian [tweeted](#) that Gianforte "body-slammed me and broke my glasses" at a campaign event in Bozeman, Montana — minutes before what was to be the last campaign rally of the campaign. Jacobs said he had asked Gianforte about a new budget analysis of House Republicans' effort to repeal and replace the Affordable Care Act.

Late Wednesday, Gallatin County Sheriff Brian Gootkin issued a statement saying the Republican congressional candidate had been cited for "misdemeanor assault" and that Gianforte would have to appear in court by June 7 to resolve the matter. "The nature of the injuries did not meet the statutory elements of felony assault," the sheriff said in his statement.

The incident rocked a closely watched contest, just hours before voters cast their ballots in Thursday's special House election in Montana to replace Ryan Zinke, who is now the Trump administration's secretary of the interior. Gianforte, a technology executive, is running against Democrat Rob Quist, a folk singer and first-time candidate. The race in the traditional Republican stronghold is [turning out to be closer](#) than many thought it would be.

The encounter on election eve immediately captured statewide and even national attention. At least one local station interrupted prime-time programming for a breaking news report and reports bannered all of Montana's biggest newspapers.

[The Billings Gazette](#) subsequently rescinded its endorsement of the Republican candidate, saying: "We're at a loss for words." The newspaper added: "We will not stand by that kind of violence, period."

Gianforte's campaign acknowledged an incident but offered a starkly different version of events — one contradicted by witnesses and by audio posted by The Guardian. Gianforte spokesman Shane Scanlon blamed Jacobs for being "aggressive" as he asked questions and for

creating a scene.

"Tonight, as Greg was giving a separate interview in a private office, The Guardian's Ben Jacobs entered the office without permission, aggressively shoved a recorder in Greg's face, and began asking badgering questions. Jacobs was asked to leave," Scanlon said.

"After asking Jacobs to lower the recorder, Jacobs declined. Greg then attempted to grab the phone that was pushed in his face. Jacobs grabbed Greg's wrist, and spun away from Greg, pushing them both to the ground. It's unfortunate that this aggressive behavior from a liberal journalist created this scene at our campaign volunteer BBQ."

Audio of the incident [posted by The Guardian](#) seemed to directly contradict the Gianforte campaign's version, as did a number of witnesses — including a Fox News crew that was in the room during Wednesday's incident.

Alicia Acuna [wrote](#) on Fox News' website that she and a crew were preparing for an interview with Gianforte when Jacobs walked into the room, produced a voice recorder and asked Gianforte a question. After Gianforte rebuffed Jacobs, and Jacobs asked a follow-up question, Gianforte grabbed him by the neck, Acuna wrote.

"Gianforte grabbed Jacobs by the neck with both hands and slammed him into the ground behind him," she wrote. "Faith, Keith and I watched in disbelief as Gianforte then began punching the man, as he moved on top the reporter and began yelling something to the effect of 'I'm sick and tired of this!'"

In audio of the incident, Gianforte can clearly be heard getting upset. In it, Jacobs asks Gianforte about the Republican health care bill. Gianforte tells him, "Let me talk to you about that later" as Jacobs continues trying to ask a question. "Speak with Shane," Gianforte says, referring to his spokesman.

"The last guy did the same damn thing," Gianforte says.

"You just body-slammed me and broke my glasses," Jacobs says.

"Get the hell out of here," Gianforte yells.

Gootkin, the sheriff, initially declined to file charges, saying that he had not yet listened to full audio of the incident. He subsequently issued a citation.

In March, Gootkin donated \$250 to Gianforte's campaign, according to an FEC filing.

"After the press conference it was brought to my attention that people were commenting on a contribution that I made to the Gianforte campaign. I did contribute \$250.00 on March 23, 2017. This contribution has nothing to do with our investigation which is now complete," the sheriff stated.

The sheriff said charges followed multiple interviews and an investigation by the Gallatin County Sheriff's Office. He said it was a misdemeanor based on "the nature of Jacobs' injuries."

Other reporters on the scene confirmed via Twitter that they witnessed some sort of altercation between the two.

"I'm not sure I've seen anything like this before," BuzzFeed reporter Alexis Levinson, who was on the scene, [tweeted](#) in a long thread. "This happened behind a half-closed door, so I didn't see it all, but here's what it looked like from the outside. Ben walked into a room where a local TV crew was set up for an interview with Gianforte. All of a sudden, I heard a giant crash and saw Ben's feet fly in the air as he hit the floor."

"Ben walked out holding his broken glasses in his hand and said: 'He just body-slammed me,'" Levinson continued.

Whitney Bermes, a reporter for the Bozeman Daily Chronicle, tweeted that the police were called to the scene. The Daily Chronicle also reported that Jacobs was treated by an ambulance on the scene, and Bermes later tweeted that one person was transferred to the hospital.

"Gianforte sitting in a Jeep. Sheriff's deputies were talking to him earlier. Now a medic is at the window talking with him," Bermes also [tweeted](#).

Gianforte then left the event before he was scheduled to speak, according to reporter tweets.

In an interview, Jacobs told MSNBC he approached Gianforte and asked him about the Congressional Budget Office's score of the House bill to repeal and replace the Affordable Care Act.

"It was the strangest moment in my entire life reporting," Jacobs said.

He said after calling his editor and police, he went to the hospital to have X-rays because he fell on his elbow.

The Guardian, in a statement released late Wednesday, said it stood by its reporter.

"The Guardian is deeply appalled by how our reporter, Ben Jacobs, was treated in the course of doing his job as a journalist while reporting on the Montana special election," U.S. editor Lee Glendinning said. "We are committed to holding power to account, and we stand by Ben and our team of reporters for the questions they ask and the reporting that is produced."

The Democratic Congressional Campaign Committee called on Gianforte to drop out of the race "after his alleged violent assault of an innocent journalist," spokesman Tyler Law said.

Quist declined to comment on the news after his first Missoula event of the evening, then also didn't address it at his second, a quick rally to thank his supporters at a brewery.

The candidate instead walked on stage, joined his opening act for a song, and repeated much of his stump speech for roughly seven minutes. He then walked off the stage and again declined to answer questions about Gianforte.

Elena Schneider and Cristiano Lima contributed to this report.

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Senate fails to advance methane CRA [Back](#)

By Ben Lefebvre | 05/10/2017 10:33 AM EDT

Republicans may have seen their last chance to easily overturn an Obama-era regulation disappear this morning after the Senate failed to advance legislation to repeal an Obama-era rule on methane emissions.

Senators voted 49-51 against a procedural measure to take up the Congressional Review Act resolution reversing the BLM regulation tightening limits on methane leaking from oil wells and pipelines. This week is the last chance for Senate Republicans to block late Obama-era regulations under special CRA rules that block CRA resolutions from being filibustered. Sens. [Susan Collins](#), [John McCain](#) and [Lindsey Graham](#) joined all Democrats in voting against the motion.

Oil companies have fought to repeal the rule, arguing it would raise their cost of doing business. Democrats and environmentalists have said the rule would increase the amount of methane sold on federal lands, increasing royalty payments into federal coffers.

WHAT'S NEXT: The failed vote prevents Congress from easily reversing the BLM methane rule, but President Donald Trump has directed his administration to review and possibly revise it.

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House clears bill exempting pesticides from Clean Water Act permitting [Back](#)

By Annie Snider | 05/24/2017 05:15 PM EDT

The House today has again approved a measure to exempt pesticide applicators from Clean Water Act permitting requirements.

Lawmakers voted 256-165 in favor of Rep. [Bob Gibbs](#)' Reducing Regulatory Burdens Act, similar versions of which have been passed multiple times in the past, but failed to gain traction in the Senate.

Proponents of the bill say that Clean Water Act permitting requirements are duplicative and burdensome, since pesticides must also be registered under the Federal Insecticide, Fungicide, and Rodenticide Act. They also say it hinders the response to public health dangers like mosquitoes carrying the Zika virus.






But Democrats opposing the bill contested both arguments, saying the Clean Water Act requirements are not duplicative since nothing in FIFRA limits the use of pesticides in waterways that are already polluted with too many pesticides. They also point out that applicators can fill out permitting paperwork after the fact when there is a pest emergency.

WHAT'S NEXT: Consideration of the pesticide permitting issue moves to the Senate. Although the House has passed similar measures multiple times since a 2009 court ruling

mandating the Clean Water Act permits, the Senate has not acted on them.

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