

Statement of James Danly
Nominee to the Federal Energy Regulatory Commission
Before the
Committee on Energy and Natural Resources
United States Senate
November 5, 2019

Chairman Murkowski, Ranking Member Manchin, members of the Committee: it is an honor to sit before you today as a nominee to the Federal Energy Regulatory Commission. I would like to start by thanking the President for nominating me, and by thanking the members of the Committee who have been so gracious with their time in meeting with me. It was a pleasure to speak with you and discuss all of the issues relating to FERC's jurisdiction that matter so much to you and to your states. I would also like to thank Chairman Chatterjee for all the support he has shown me and the faith he has placed in me as his general counsel. And I would be remiss if I did not also thank former Chairman Kevin McIntyre. Everyone who worked with Kevin knew him to be wise, fair and humane. I will forever be grateful for the opportunity I had to work for him.

Lastly, I would like to thank my wife, Frankie, who is with me today. We met more than twenty years ago as undergraduates. Frankie has been with me through thick and thin and she has my sincere gratitude for all the selfless support she has shown me over the years: as a military wife when I was deployed overseas as an Army officer, when I was clerking on the Sixth Circuit, through grueling hours at my former law firm, and more recently as I have been absorbed with my duties at the Commission. Our son, James, is an energetic four-year-old who is not here today but I speak for him too when I say thank you, Frankie.

Since 2017, I have had the privilege of serving as FERC's general counsel. In that capacity, I have directed the 200-lawyer Office of the General Counsel, overseen the Commission's appellate litigation, and provided legal counsel to two different Chairmen and four other Commissioners. I have seen firsthand what can be accomplished when talented, dedicated Commissioners take on the challenges presented by the nation's ever-changing energy landscape.

As every member of this Committee knows, FERC's role as a regulator, though narrow, is profound. The importance of the work the Commission does in regulating electric and gas rates, permitting infrastructure, protecting the reliability of the bulk electric system, and overseeing our electric markets cannot be overstated. Every aspect of American life is touched by the work done at the Commission.

Although FERC's organic statutes were passed some eighty years ago, those laws are as relevant today as ever. In an era in which the very structure of our electric system changes at an ever-increasing rate, FERC has worked diligently to ensure open access; to guarantee fair, competitive markets; and to remove barriers to entry that could stifle progress as new technologies are

developed to enhance the efficiency and reliability of our electric system. The fact that the Commission, operating under authorities nearly a century old, has overseen such transformative changes to the American utility sector is a testament, not only to the dedication and ingenuity of the Commission and its staff, but also to the robustness and flexibility of the institution created by Congress and by Commissioners past and present.

One of FERC's greatest attributes is that it is a collegial body. I am speaking not only of the Commission's longstanding tradition of collaboration amongst the Commissioners—though FERC quite rightly enjoys a reputation for just such collegiality. I am also speaking of the fact that, as a multi-member body, each Commissioner brings their own experience and point of view when deciding the questions presented to the Commission.

As a lawyer I take my role and obligations seriously. I care deeply about the rule of law. I believe it is incumbent on every Commissioner to act within the authorities granted by Congress when discharging the Commission's duties. I also believe that every Commissioner is obligated to decide each case presented on the law and the record before them.

Should I be so fortunate as to be confirmed, I pledge to this Committee that I will strive to continue all of the critical work the Commission has done to ensure just and reasonable rates, to strengthen our electric system's reliability, and ensure the timely review of infrastructure applications. I truly appreciate the honor that has been bestowed upon me, and should I be confirmed, I will endeavor to live up to FERC's great tradition of flexibility, independence, and collegiality.

Again, thank you for the opportunity to appear before you. I look forward to your questions.