

Written Testimony of Lindsay S. See
Nominee to the Federal Energy Regulatory Commission
before the
Energy and Natural Resources Committee
United States Senate
March 21, 2024

Thank you Chairman Manchin, Ranking Member Barrasso, and each member of the Committee for your time today and for your work on the important issues of energy security facing our country. It's an honor to appear before you as a nominee to serve on the Federal Energy Regulatory Commission.

Thank you also to President Biden for nominating me to this position, and to Leader McConnell for his recommendation that he should. I'm humbled by their trust in my ability to serve the American people in this way.

I'd also like to acknowledge West Virginia Attorney General Patrick Morrisey and my colleagues in the AG's office. Representing my adopted State has been a true honor these past 6 plus years. I count it a privilege to serve the Mountain State alongside such a professional and committed group of colleagues and friends.

And I'm deeply grateful for my family. My siblings Jason, Jamison, Whitney, and Ashley are here today. Thank you to them and the rest of their families supporting from Michigan. Thanks also to Rachel and Josh Baer for their close friendship and always-open guestroom, and to my goddaughter Maria. In full candor to the Committee, at ten years old she was less than impressed to learn I'd been nominated to a Commission she'd never heard of, but got considerably more invested when we told her she could skip school for a live civics lesson today instead. And of course, thank you to my parents, Robert and Kathleen See. I treasure your support and keep your examples of a life well lived in front of me each day.

FERC's crucial work is at the intersection of what drives me in my career. As an administrative and appellate lawyer, I've spent much of the last dozen years buried in complex statutes and detailed and technical records. The energy space gives this admittedly nerdy species of the law real consequences for real people. I remember, for instance, what it was like being part of the 50 million people in the 2003 blackout across northeastern America and southern Canada. I recall the anxiety realizing just how widespread the problem was and just how little control we had over it. And it was more than the inconvenience when homes, stores, and

streetlights suddenly went dark: a family member was 9 months pregnant, and the days it took for the lights to come back on sparked growing worry about her safety and access to medical care. Fortunately, all ended well there (and I've had a few "where does the time go?" moments lately realizing her son is now 20).

Congress responded to that blackout by adding section 215 to the Federal Power Act, giving FERC new responsibility to help ensure grid reliability. I left it with a lasting reminder how critically—and practically—energy policy affects each one of us.

My time as West Virginia's Solicitor General has brought that lesson into laser focus again these past several years. Thanks to West Virginia's economic and power-generation interests, energy-adjacent matters have been front-and-center on my docket since day one on the job. Through dozens of cases and rulemakings I've learned, much more than I understood in 2003, that grid reliability, regulatory certainty, and affordable energy are essentials. I've also come to value the States' important role when it comes to generation and local distribution—and understand the complexities that their different resources, geographies, and priorities can bring.

My role as a state lawyer also solidified my respect for the interplay between state and federal regulators. I take the rule of law and separation of powers seriously. I'm committed to the simple notion that agencies have only the power that you—Congress—give them. And if I were honored to be confirmed, I would guard my duty as a Commissioner to do no more than what Congress delegated to FERC in the U.S. Code: to stay in FERC's important but narrow lanes, applying that law faithfully and impartially based on the record before me.

But I'm also committed to doing no less than what Congress has tasked to FERC. Understanding jurisdiction's limits can mean focusing more closely on what matters most. So to the best of my ability, I would work to continue the Commission's vital work in ensuring reliable energy, timely infrastructure review, and just and reasonable rates flowing from a fair interstate electricity market.

And here again, I would draw on lessons from my current position working with stakeholders in West Virginia—and around the country—on various sides of sensitive and critically important issues. I would hope to add my experience to those of my fellow Commissioners. I would look forward to working with them and the expert and dedicated FERC staff to do our part to fulfill FERC's mission as a nonpartisan and independent agency.

I truly appreciate the honor to be considered for this role to serve the people across our nation whose daily lives depend on sound and predictable energy policy. Once again, thank you for the opportunity to appear here today. I welcome your questions.