

U.S. Senate Committee on Energy and Natural Resources
September 16, 2020 Hearing: Nominations of Mark C. Christie and Allison Clements
Supplemental Question for the Record Submitted to Ms. Allison Clements

Questions from Senator James E. Risch

Questions: Ms. Clements, you noted in your answers for the record your participation in the June 29th, 2016 FERC technical conference regarding “Implementation Issues Under the PURPA.”

- Did you have any contact with FERC Commissioners or FERC staff in regards to that docket (AD16-16-000) at any time either before or after the Technical Conference whether during or after your employment with the NRDC and the Sustainable FERC Project? If so, please provide details of each contact, for example the date or approximate date of the contact, the person or persons contacted and the purpose of the contact?

I do not recall any contact with FERC Commissioners or FERC staff on the merits of Docket No. AD16-16-000 before or after the on-the-record technical conference. I expressed my interest in participating in the conference via FERC’s online submittal portal prior to April 4, 2016, which was the noticed deadline. I received communication from FERC staff that I had been asked to participate in the conference sometime prior to the Commission’s May 9, 2016 issuance of a supplemental notice of the technical conference that listed me as a participant. I think I had some communication with FERC staff about the logistics of participating in the technical conference. I do not recall, as part of my preparation for the conference, communicating with FERC Commissioners or FERC staff about the merits of the substantive issues under consideration. I do not recall any communication with FERC Commissioners or FERC staff about the merits of the issues in Docket No. AD16-16-000 at any point following the technical conference. Further, I did not participate in or engage with FERC Commissioners or FERC staff about Docket No. RM19-15-000, the rulemaking docket that emerged at least in part from the technical conference record and that led to the Commission’s issuance of Order No. 892 in July 2020.

- Should you be confirmed do you commit to recuse yourself from this proceeding or any related on-going proceeding regarding PURPA? Please list the steps you would take to ensure that there is not a conflict of interest on this issue. If confirmed will you commit to advising the Committee about the advice the DAEO provides concerning recusals involving PURPA?

I take ethics issues very seriously. I reaffirm my commitment that, if I have the honor of being confirmed as a Commissioner, I will discuss with the Commission’s DAEO any matters that raise an issue of whether my recusal from a particular case is warranted, including matters with respect to PURPA. I understand that the DAEO would advise me on a case-by-case basis as the need arises, in light of the relevant facts. I also commit that I will advise the Committee of any recommendation or determination from the DAEO on matters involving PURPA.