



December 5, 2018

MADIGAN CALLS ON U.S. SENATE TO OPPOSE CONFIRMATION OF NEW FERC COMMISSIONER***Bernard McNamee was Chief Proponent of Failed "Coal Subsidies" Rule; Publicly Called Choice between Fossil Fuels and Renewables the "Battle Between Liberty and Tyranny"***

Chicago — Attorney General Lisa Madigan joined a group of state attorneys general in urging U.S. Senators to oppose the confirmation of the U.S. Department of Energy's Policy Director Bernard McNamee as the newest commissioner on the Federal Energy Regulatory Commission (FERC), raising concerns that McNamee's confirmation would jeopardize efforts to increase clean energy in the competitive energy markets.

"Bernard McNamee is clearly biased in favor of the fossil fuel industry," Madigan said. "He has made it his mission to stop the expansion of clean energy and that should disqualify him from serving as an impartial commissioner on FERC."

[In the letter.](#), Madigan and the other attorneys general said that McNamee's "record promoting the retention of uneconomic highly-polluting electric generation facilities" will harm the states' abilities to implement clean energy policies and their "regions' abilities to operate competitive electricity markets, all at the detriment of customers."

In October 2017, a coalition of state attorneys general, state agencies, and consumer advocates submitted [comments to FERC](#), arguing that a proposal for customers to subsidize aging power plants – rolled out by McNamee – would jeopardize the nation's market-based, competitive markets for wholesale electric power and would add billions to customers' bills. The proposal would have exempted coal and nuclear power plants from having to compete in the market with other sources of power, like natural gas, wind, and hydropower. Instead of customers paying a competitively determined price for electricity, the proposed rule would have required customers to pay coal and nuclear power plants for all of their expenses plus a profit, outside of the competitive market. In [January 2018](#), FERC unanimously ruled that the retirement of these plants was not an emergency and rejected the proposal.

Madigan and the other attorneys general said in the letter that McNamee's public statements, including his support of fossil fuels over renewable energy, reflect a bias that would prevent him from fairly serving out his duties as a FERC Commissioner. Specifically, the letter points to comments made at a 2018 conference in Austin where McNamee referred to the choice between fossil fuels and renewables as a "constant battle between liberty and tyranny." At the same conference, McNamee said he had the "pleasure . . . to really see that the Clean Power Plan be put to death."

Madigan and the other attorneys general also said that McNamee's confirmation would mark the first time in nearly three decades that none of the sitting commissioners have had experience as a state regulator. Their letter said it is critical to have at least one sitting commissioner with state regulatory experience to ensure FERC proceedings consider the state perspective.

Joining Madigan in signing the letter were the attorneys general of Massachusetts, Oregon, Maryland and New York.

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