

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

The Office of Public Participation

Docket No. AD21-9

**Opening Statement of Rebecca Tepper,
Chief, Energy and Environment Bureau,
Massachusetts Office of the Attorney General**

Good afternoon. My name is Rebecca Tepper. I am the Chief of the Massachusetts Attorney General Office's Energy and Environment Bureau. In Massachusetts, the Attorney General is the statutorily designated ratepayer advocate. I am honored to provide my thoughts regarding how the Office of Public Participation (OPP) can serve and educate the public about the Commission's processes and provide for meaningful public participation in its proceedings.

The thoughts I share this afternoon are based on my experience as a ratepayer advocate working with a broad range of consumers who are impacted by and are interested in what is happening at the Commission and by the direct experience the Massachusetts Attorney General's Office has had as a New England Power Pool (NEPOOL) member and a frequent participant in Commission proceedings.

I agree with the Commission that a well informed and engaged public will result in better, more widely trusted Commission decisions. Stakeholders have shared many creative and impactful actions that the Commission can explore to enhance its public education efforts and provide meaningful public participation in its proceedings. In considering options I encourage the Commission to follow seven guideposts:

First, proactively encourage and plan for public participation. This could include, for instance, developing public participation plans for individual Commission proceedings. Public participation plans allow a case team in the early stages of a proceeding to plan for and to tailor the Commission's outreach efforts to the particular case. Case teams and the OPP could work together at the beginning of a proceeding to identify the relevant stakeholders and consider options for reaching them and encouraging and facilitating their participation. To assist case teams, the OPP could provide general templates or guidelines for different case types. For cases of significant public interest, like one involving land use, the case team could seek public comment on their draft public participation plan before moving forward. All of these outreach efforts should be accompanied by a clear message that public input is both welcome and will be considered in the Commission's decision making.

Second, make it easy. Right now, there is nothing easy about participation in Commission proceedings. Recently, a grassroots organization reached out to the Massachusetts Attorney General’s Office asking for assistance in submitting comments in a Commission docket. The organization spent hours figuring out how to register to “eFile,” that many comments cannot be filed as “eComments” (despite the name), and that the format of their comments had to be an attached file. When a tenacious and dedicated member of the organization finally figured it all out she drafted a 12-step tutorial so other members could replicate the process; all so that they could simply file a comment. That is the opposite of easy. The Commission should reevaluate all of its touch points with the public, focusing on simplification and ease of use. And the Commission should consider new ways to solicit public input outside of the typical processes that are accessible to all stakeholders affected by its decisions.

Third, provide live help. Nothing beats talking to a human being. In larger cases, the Commission might consider designating a specific public liaison and providing interested parties with a direct phone number and e-mail to ask questions. Other agencies, including the Massachusetts Attorney General’s Office, utilize hot lines to ensure that questions reach the correct agency expert for a substantive response.

Fourth, meet people where they are. This includes ensuring language access, having a physical presence in RTO regions, being cognizant of work schedules and time zones when planning public meetings, and utilizing on-line opportunities for hearings and meetings.

Fifth, provide accessible educational opportunities. There are many good models for this. Two years ago, for example, the Massachusetts Attorney General’s Office launched an educational campaign to raise public awareness about New England’s evolving energy system and provide the public with tools to participate in a more informed manner in discussions at the Commission and ISO New England (ISO-NE) regarding market modernization and clean energy. As part of this effort, we produced a series of educational videos in multiple languages that we promoted on our website and social media. We also conducted a virtual public “teach in” for over 300 participants to help the public better understand how decisions are made about the power markets and why it matters.¹

Sixth, collaborate with the state consumer advocates. Consumer advocates who work on behalf of customers know their customers. They can help the OPP strategize effective community outreach plans, put the OPP in touch with interested parties, and provide other state-specific information. Each state consumer advocate should be paired with an OPP staffer to build relationships on both sides. In addition, the OPP should look for opportunities to collaborate with the National Association of Consumer Advocates.

Seventh, ensure that the statutorily designated consumer advocates have the tools they need to provide robust representation in Commission proceedings. Today, most consumer advocates simply do not have the funds to actively participate in RTO stakeholder processes or Commission proceedings. Creation of regional consumer advocacy organizations, like the Consumer Advocates of the PJM States (CAPs) in other RTOs would help consumer advocates participate more effectively in the RTO stakeholder process. With respect to Commission

¹ See <https://www.mass.gov/info-details/modernizing-power-markets-for-a-clean-energy-future>.

proceedings, funding for statutorily designated consumer advocates to hire expert witnesses would help address information imbalances and allow parties other than the utilities to present affirmative cases in complex and technical adjudicatory proceedings. In Massachusetts, by statute, the ratepayer advocate may hire experts and consultants for Department of Public Utility proceedings with funds allocated under the state utility tariff. This has dramatically changed the quality of decision-making by ensuring a robust record. We do not have similar funding for Commission proceedings, however. If adopted at the Commission, this type of funding could be capped per case, per state.

Thank you, I look forward to participating in further discussions on these issues.