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Contact: Brian Gumm
(202) 747-0698 x2
bgumm@progressivereform.org

New Report Offers Tools to Strengthen ‘Energy Democracy’ at Key Federal Agency

Research and analysis explores how the Federal Energy Regulatory Commission can better incorporate important public perspectives in decision-making processes and make stronger, fairer, and more just decisions

WASHINGTON, DC — The federal government can and should do more to help the public meaningfully engage in the nation’s energy policy, leveling the playing field for them against corporate special interests with outsized access and influence over energy decisions. These decisions have profound implications for public and environmental health, our ability to mitigate and adapt to climate change, our national security, and more, according to a [new report by the Center for Progressive Reform](#).

Marginalized groups face especially high barriers to participating in federal rulemaking processes, even as they bear disproportionate harm from energy policies, such as the siting and construction of natural gas pipelines. Low-income communities of color experience higher rates of illness due to energy-related decisions and must set aside a higher share of their incomes to access the energy they need to power their lives, as must many older and disabled people.

“The American public expects our democracy to make energy policy on our behalf — but the unfortunate reality is these decisions are often made in our name only,” said James Goodwin, Senior Policy Analyst at the Center for Progressive Reform and a co-author of the new report. “Too often, our energy policy reflects the will of powerful corporations — and comes at the expense of the public. That’s not how our government is supposed to work.”

The Federal Energy Regulatory Commission (FERC), which oversees much of the country’s energy infrastructure and helps set rules, rates, and standards for energy markets, is now taking important — though long overdue — steps to lower barriers to public participation in rulemaking. Most notably, after decades of delay, the agency is establishing a new Office of Public Participation (OPP) to empower the public by making its administrative proceedings and decision-making process more inclusive and responsive.

The Center for Progressive Reform’s new report — [The Federal Energy Regulatory Commission’s New Office of Public Participation: A Promising Experiment in ‘Energy Democracy’](#) — aims to guide FERC in its ongoing efforts to better incorporate the public’s on-

the-ground perspectives into decisions about how we produce, transport, and use natural gas, electricity, and renewable energy sources.

“Energy policy involves technical decisions such as how we should heat and cool our homes as we transition to a clean economy,” said Shelley Welton, Associate Professor of Law at the University of South Carolina School of Law and a report co-author. “But it’s also about equity and justice. It’s about the strength of our democracy. If well designed and executed, OPP could be a model for regulatory democracy writ large, one that is embraced and emulated by agencies across the federal government.”

Authored by energy and climate scholars and experts in regulatory policy, the report provides policymakers, advocates for energy justice, and members of the public concerned about our energy future with the information they need to ensure that, through the work of the OPP, energy democracy achieves its full potential within the regulatory state at FERC and beyond.

Specifically, the report urges the OPP to:

- Audit existing procedural requirements for participating in the agency’s natural gas proceedings and identify opportunities for streamlining and simplification.
- Serve as the main point of contact with communities affected by natural gas pipeline development.
- Develop new tools and practices for “translating out” technocratic proceedings to make their impacts understandable, relevant, and actionable to the public.
- Explore available options for making nonprofit entities that carry out important grid management work on FERC’s behalf more inclusive of and responsive to the public.
- Follow key principles when designing “intervenor funding” programs.
- Change internal culture so it genuinely values and embraces public engagement.

Drawing on these recommendations for the OPP, the report concludes by identifying best practices that other federal agencies can adopt and adapt to promote greater public engagement within their own administrative proceedings.

“Many FERC decisionmaking processes, particularly for complex issues such as energy market design, tend to be dominated by sophisticated, well-funded, repeat industry participants,” said Member Scholar Hannah Wiseman, Professor of Law at Penn State Law and a co-author of the report. “Yet these decisions affect all of us. Energy market designs largely dictate the types of energy that power our homes and businesses. OPP has the potential to bring more voices to the table — voices that have not typically had meaningful access to these regulatory processes.”

To learn more about this report, visit <https://progressivereform.org/our-work/energy-environment/ferc-public-participation-rpt/>.

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