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Richard Glick, a commissioner of the Federal Energy Regulatory Commission, listens during an open meeting in Washington. Photographer: Andrew Harrer/Bloomberg via Getty Images

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Manchin Won't Hold Renomination Hearing for FERC's Glick (2)

EXCLUSIVE



Daniel Moore
Reporter

- Senate energy chair 'not comfortable' with hearing
- Manchin, Republicans criticized FERC gas stance

Sen. Joe Manchin has decided against scheduling a confirmation hearing for Federal Energy Regulatory Commission Chair Richard Glick with only weeks left before the end of the current Congress.

"The chairman was not comfortable holding a hearing," Sam Runyon, spokeswoman for Manchin's office, said Thursday. Runyon declined to elaborate beyond the statement.

The decision comes days after Manchin criticized President Joe Biden's remarks on shutting down coal plants and replacing them with renewable energy, saying "his words matter and have consequences." Manchin has also criticized FERC's Democratic majority for months for its move to scrutinize proposed certificates for natural gas projects.

"The moment Manchin reacted so viscerally to the certificate policy statements, I suspected Rich was in real trouble," said Neil Chatterjee, a Republican who chaired FERC in 2017 and again from 2018 to 2020. "That was just a big mistake, and, sadly, I think he's paying for that."

Clean energy advocates fear a commission split along party lines would move slower to finalize major rules on transmission planning, generator interconnection, and extreme weather grid protections.

"It's just not possible to get nearly as much done with an incomplete set of commissioners," Gregory Wetstone, president and CEO of the American Council on Renewable Energy, a trade association promoting a clean energy transition. "You're going to see a lot of gridlock, and things just aren't going to happen."

The commission declined to comment. A White House spokesperson didn't immediately respond to a request for comment.

Renominated in May

Glick, a Democrat who was nominated in 2017 by the Trump administration, was renominated by the Biden White House in May. If the Senate doesn't act during the lame-duck session, the White House could still resubmit his nomination in early 2023.

Many FERC watchers had expected Manchin to schedule a hearing for Glick in the lame-duck session.

The icy relationship between Manchin and Glick seemed to have "warmed" given recent approvals of gas infrastructure, ClearView Energy Partners, an independent research firm in Washington, wrote in a note to clients Thursday. Manchin's pushback against Glick could be driven by broader frustration, the firm wrote.

"The White House's overall decarbonization agenda may be overshadowing Chairman Manchin's concerns over FERC policy—and the pending renomination may be one of the few levers available to him to push back against it," ClearView wrote.

Uncertain Outlook

Glick faced a [rocky path](#) to another five-year term on the commission, an independent panel in the Energy Department that oversees interstate natural gas pipelines, liquefied natural gas terminals, wholesale power markets, hydropower licensing, and other issues.

Last month, Glick [said](#) the White House and Senate Majority Leader Chuck Schumer (D-N.Y.) were pressing to get his renomination over the finish line. He has said he was "confident" he'll be confirmed for another term.

On Thursday, Glick kicked off the commission's five-hour technical conference on reliability and security of the power grid. In opening remarks, Glick didn't mention his renomination, but emphasized the importance the commission plays in keeping the lights on.

Glick said the commission's "most solemn responsibility" is to protect the grid amid more extreme weather events and a changing generation mix.

"It's not just a matter of convenience," Glick said. "It's a matter literally of life and death."

Gas Policy Fight

Manchin, chair of the Senate Energy and Natural Resources Committee that holds jurisdiction over the nomination, has criticized Glick and the commission's Democrats this year for pushing a natural gas policy that strengthens environmental reviews and economic need for pipelines and export terminals.

In March, Manchin called the commissioners before his committee to [demand](#) they change course and speed up certificates, particularly following Russia's invasion of Ukraine. Days after the contentious hearing, the commission [walked back](#) the policy.

Republicans on the commission have pressed the case with the Senate committee, too. In a 92-page [letter](#) dated Nov. 4, GOP Commissioner James Danly detailed gas policies that were delaying projects even after the commission pulled back on finalizing the gas policy statements.

Danly—in response to questions from Sen. John Barrasso (R-Wyo.), the energy committee's ranking member, wrote that "the bulk of our natural gas applicants are suffering delays under the new regime."

Legal Ambiguity

In addition to weighing the updated gas policy, the commission has proposed three major rules this year on transmission planning, generator interconnection, and protecting the grid from extreme weather events.

If the commission were to head to 2-2 split between the parties, it may deadlock on more controversial issues, allowing proposals to move forward without a formal decision and leading to legal ambiguity.

Last year, FERC split 2-2 on two issues that are currently being appealed in the D.C. Circuit: one involving a market pricing rule in PJM Interconnection, the country's largest regional grid operator; and the other involving a new wholesale market structure in the Southeast.

A wide variety of trade organizations have called for a five-member FERC as providing stability for the commission's decision-making. Last year, clean power and fossil energy groups [united](#) to support Democrat Willie Phillips' nomination to FERC.

"FERC works best when it acts based on the experiences and perspectives of five commissioners to provide the regulatory certainty necessary for investment in America's energy infrastructure," the organizations wrote to Senate leaders.

(Updated with Wetsone comments in paragraph 5 and 6.)

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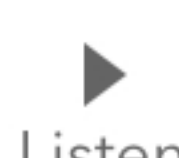
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