



April 14, 2026

The Honorable Mike Lee
Chairman
Senate Energy & Natural Resources Committee
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Martin Heinrich
Ranking Member
Senate Energy & Natural Resources Committee
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Dave McCormick
Chairman, Subcommittee on Energy
Senate Energy & Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510

The Honorable Ruben Gallego
Ranking Member, Subcommittee on Energy
Senate Energy & Natural Resources Committee
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Lee, Ranking Member Heinrich, Chairman McCormick, and Ranking Member Gallego:

The American Public Power Association (APPA) appreciates the opportunity to submit a letter in support of S. 3034, the Reliable Power Act, which would require the Federal Energy Regulatory Commission (FERC) to review federal agency actions that are likely to have significant negative impacts on the reliability and adequacy of the bulk-power system.

APPA is the national trade organization representing the interests of the nation's 2,000 not-for-profit, community-owned electric utilities. Public power utilities are in every state except Hawaii. They collectively serve over 55 million people in 49 states and five U.S. territories, and account for 15 percent of all sales of electric energy (kilowatt-hours) to end-use consumers. Public power utilities are load-serving entities, with the primary goal of providing the communities they serve with safe, reliable electric service at the lowest reasonable cost, consistent with good environmental stewardship. This orientation aligns the interests of the utilities with the long-term interests of the residents and businesses in their communities.

Grid Reliability and Resource Adequacy

Public power utilities care deeply about reliability and affordability, but these core values are increasingly under pressure. Supply chain constraints, unprecedented demand growth, skyrocketing transmission costs, and burdensome, expensive, and slow federal permitting processes are all contributing to the challenges utilities face.

The need to bring on new, reliable generation resources and to prevent the premature retirement of existing ones has never been more critical. Public power utilities need to know that federal policies will support, not hinder, their efforts to continue providing reliable, affordable, and sustainable electricity to the communities they serve. One way Congress can increase this certainty is to ensure that federal regulations do not impose significant harm to an already constrained electric grid by passing and signing into law the Reliable Power Act.

Reliable Power Act

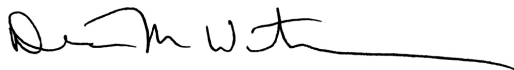
APPA has long supported efforts in Congress to provide FERC with a formal role in determining the potential reliability impacts of federal regulations. Further, APPA believes that, should FERC determine a proposed regulation would adversely affect the reliable operation of the bulk-power system, the issuing agency must be required to make necessary modifications. FERC has a critical responsibility to assist electric customers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost. However, to fulfill this responsibility, APPA believes FERC must also have the appropriate authority to determine and mitigate the significant reliability impacts of major regulations. This would allow electric utilities, including public power utilities, to comply with such regulations without adversely affecting regional or local electric system reliability. [*See APPA Resolution 24-03, "In Support of Electric Reliability."*]

APPA believes it is appropriate for NERC, which has years of experience conducting long-term reliability assessments, to initially assess whether the bulk-power system is at risk of being unable to supply future energy demands before FERC can exercise authority to review regulations. This will ensure FERC's authority is aligned with the risks and challenges facing utilities while providing them with certainty that federal policies will not exacerbate grid reliability challenges.

APPA urges support for the Reliable Power Act and looks forward to working with the committee on further legislative solutions to strengthen grid reliability and ensure public power utilities can continue to provide reliable, affordable, and sustainable electricity to their communities and your constituents.

Sincerely,

Desmarie Waterhouse



Senior Vice President, Advocacy and Communications & General Counsel

CC: Senator Tom Cotton (R-AR)

Sponsors: California Municipal Utilities Association; Illinois Municipal Electric Agency; Pennsylvania Municipal Electric Association; Colorado Association of Municipal Utilities, Irrigation and Electrical Districts Association of Arizona; NMPP Energy, Michigan Municipal Electric Association; Tennessee Valley Public Power Association; American Municipal Power; Ohio Municipal Electric Association

In Support of Electric Reliability

1 The American Public Power Association (APPA) strongly supports efforts to maintain and improve the
2 reliability of the nation’s electric grid. Electricity is the lifeblood not only of the individual communities
3 that public power utilities serve, but also of our nation’s economic and national security. Maintaining reli-
4 able service is the number one priority for electric utilities, despite increasing challenges from extreme
5 weather, physical and cyber security threats, changes in generation mix, and increased load due to electri-
6 fication. Public power utilities lead the industry in reliability, usually delivering more reliable electric ser-
7 vice compared with other types of utilities.

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9 Even with a strong record of delivering reliable service, public power utilities know there is more work to
10 be done amid growing threats to electric reliability. In addition to external threats like extreme weather
11 and cyber or physical attacks, public power utilities must also ensure reliability as local, state, and/or fed-
12 eral policies impact the generation mix, causing premature retirements of fossil fuel assets, and impact
13 load growth by promoting the electrification of transportation, industrial processes, and home appliances.
14 APPA believes that federal policymakers should consider electric reliability paramount and should take it
15 into account in making important policy decisions, including major federal regulations.

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17 As part of the Federal Energy Regulatory Commission’s (FERC) mission to protect consumers in obtain-
18 ing reliable, safe, secure, and economically efficient energy services at a reasonable cost, FERC must
19 have both the authority and obligation to analyze the potential reliability impacts of major proposed and
20 final federal regulations, including those proposed by the Environmental Protection Agency. Without
21 such a process in place, federal policymakers could finalize regulations or laws that could significantly
22 harm electric reliability, putting at risk the health, safety, and economic prosperity of all Americans, in-
23 cluding those served by public power.

24

25 Additionally, Federal Power Act section 202(c) gives the Secretary of Energy the authority to issue must-
26 run orders to individual power plants during emergencies, including a sudden increase in electricity de-
27 mand or a shortage of electricity. These must-run orders temporarily allow generation facilities to exceed
28 their emissions limitations under environmental regulations.

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30 **NOW, THEREFORE BE IT RESOLVED:** That the American Public Power Association (APPA)
31 strongly supports efforts to maintain and improve the reliability of the nation’s electric grid; and

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33 **BE IT FURTHER RESOLVED:** That APPA believes the Federal Energy Regulatory Commission
34 (FERC) should be given the authority, and has an obligation to, analyze the potential reliability impacts of
35 major proposed and final federal regulations; and

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37 **BE IT FURTHER RESOLVED:** That APPA supports efforts by Congress to enact legislation that
38 would provide FERC with a formal role in determining the potential reliability impacts of major proposed
39 and final federal regulations; and

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41 **BE IT FURTHER RESOLVED:** That APPA believes that should FERC determine a major proposed or
42 final federal regulation would adversely affect the reliable operation of the bulk electric system, it must
43 proactively work with the issuing agency, which should be required to make the necessary modifications
44 to the proposed or final federal regulation to allow electric utilities, including public power utilities, to
45 comply with such regulations without adversely impacting regional or local electric system reliability.

Adopted at the Legislative & Resolutions Committee Meeting

February 27, 2024

Sunsets in March 2032