

**AMERICAN PUBLIC POWER ASSOCIATION**  
**NEW CODIFICATION OF RESOLUTIONS**

(Policy Resolutions Adopted by the APPA Membership Beginning in 2021 and Thereafter)

**TABLE OF CONTENTS**

<a href="#">Preface.....</a>	<a href="#">2</a>
<a href="#">Tax and Finance.....</a>	<a href="#">3</a>
<a href="#">Wholesale Markets .....</a>	<a href="#">6</a>
<a href="#">Transmission and Siting .....</a>	<a href="#">8</a>
<a href="#">Public Utility Regulatory Policies Act.....</a>	<a href="#">12</a>
<a href="#">Distributed Energy Resources and Energy Storage.....</a>	<a href="#">13</a>
<a href="#">Reliability.....</a>	<a href="#">15</a>
<a href="#">Cybersecurity and Physical Preparedness.....</a>	<a href="#">21</a>
<a href="#">Environment.....</a>	<a href="#">22</a>
<a href="#">Energy Conservation .....</a>	<a href="#">30</a>
<a href="#">Nuclear Power.....</a>	<a href="#">31</a>
<a href="#">Hydropower .....</a>	<a href="#">33</a>
<a href="#">Federal Power Program .....</a>	<a href="#">34</a>
<a href="#">Communications.....</a>	<a href="#">37</a>
<a href="#">Transportation.....</a>	<a href="#">38</a>
<a href="#">Natural Gas .....</a>	<a href="#">39</a>
<a href="#">Disaster Relief and Hazard Mitigation.....</a>	<a href="#">41</a>
<a href="#">Customer Issues.....</a>	<a href="#">43</a>
<a href="#">Public Power Business Model and Service Territory.....</a>	<a href="#">44</a>
<a href="#">Workforce Issues .....</a>	<a href="#">46</a>

## **PREFACE**

Each year, members of the American Public Power Association (APPA) meet to offer and consider policy resolutions on a host of federal issues impacting public power utilities. Once adopted, these policy resolutions guide APPA staff in their advocacy efforts before Congress and the federal government. In 2019, the APPA Board of Directors retired the association's Codification of Resolutions (now referred to as the Old Codification of Resolutions) and approved the APPA staff to create a new one that includes policy positions adopted in 2021 and thereafter. Resolutions adopted by the membership remain in effect for eight years after their adoption. If updated in that eight-year window, that policy remains in effect. If not updated or extended by their sunset year, the policy positions are no longer in effect.

Resolutions adopted between 2000 and 2020 and included in the Old Codification of Resolutions will remain in effect until 2026 unless replaced by new resolutions in 2021-2026.

## **TAX AND FINANCE**

**(Includes Municipal Bonds, Comparable Incentives, and the Small-Issuer Exception)**

- 1. Resolution 21-05 – In Opposition to the Sequestration of Direct Payment Bonds** (adopted March 2, 2021)
  - a. That the American Public Power Association (APPA) opposes federal sequestration of refundable tax credit payments to Build American Bond (BAB) and New Clean Renewable Energy Bond (New CREB) issuers; and
  - b. That APPA urges the Biden Administration and Congress to take such steps as are necessary to prevent sequestration of BAB and New CREB refundable tax credit payments to issuers.
  
- 2. Resolution 22-04 – In Support of Tax-Exempt Municipal Bond Financing** (adopted March 1, 2022)
  - a. That the American Public Power Association (APPA) strongly supports the continued use of tax-exempt municipal bonds to finance electric power system infrastructure investments necessary to safely, reliably, and affordably provide power to more than 49 million Americans served by public power utilities; and
  - b. That APPA believes that laws and regulations should not interfere with public power utility use of tax-exempt municipal bonds to make critical investments; and
  - c. That APPA specifically opposes any effort to impose a tax of any sort on the interest paid on municipal bonds because it would increase costs to consumers and make critical investments more difficult.
  
- 3. Resolution 22-05 – In Support of Comparable Energy Tax Incentives for Public Power** (adopted March 1, 2022)
  - a. That the American Public Power Association (APPA) believes that if Congress is going to continue to use the tax code to drive federal energy and environmental policy, then Congress must provide comparable incentives to public power utilities that—because of their tax-exempt status—cannot directly access many energy-related tax credits, such as the wind production tax credit (PTC) and solar investment tax credit (ITC); and
  - b. That APPA applauds lawmakers in Congress who are seeking to make federal energy investment incentives more equitable and more efficient by pursuing legislation that will allow tax-exempt entities, including public power utilities, to benefit from energy-related tax incentives; and

- c. That APPA commits to working with members of Congress seeking to provide public power utilities with comparable incentives to energy-related tax incentives.

**4. Resolution 22-08 – In Support of Municipal Bond Modernization** (adopted March 1, 2022)

- a. That the American Public Power Association (APPA) strongly believes that tax-exempt municipal bonds have been, and will remain, the most powerful and effective tool for financing public investments in public infrastructure; and
- b. That APPA believes that insofar as Congress wants to incentivize further investments in infrastructure, it should focus on improving this incredibly powerful financing tool with a municipal bond modernization agenda; and
- c. That APPA believes that a municipal bond modernization agenda should reinstate tax-exempt advanced refunding bonds, increase the small-issuer exception from \$10 million to \$30 million, exempt payments to Build America Bond issuers from federal budget sequestration, and repeal outdated private-use rules.

**5. Resolution 23-06 – In Support of Refundable Direct Pay Tax Credits for Public Power** (adopted February 28, 2023)

- a. That the American Public Power Association (APPA) believes that the Department of Treasury and Internal Revenue Service (IRS) should work to simplify the compliance costs associated with navigating the multiple layers of requirements for qualifying for, and calculating the value of, refundable direct pay energy tax credits, which will be essential to maintaining critical baseload generation and spurring investment in the future power supply needed to fuel our nation’s economy; and
- b. That APPA believes that the Department of Treasury and IRS should work to ensure that rules and regulations provide flexibility in implementing refundable direct pay tax 38 credits to allow for innovation and evolution in the use of this new tool; and
- c. That Congress should abandon the indiscriminate, across-the-board spending cuts imposed by sequestration and so remove the needless threat of statutory Pay-As-You-Go Act sequestration from refundable direct pay tax credits.

**6. Resolution 24-11 – In Support of Flexible Clean Hydrogen Credits** (adopted February 27, 2024)

- a. That the American Public Power Association (APPA) believes that the Department of Treasury (Treasury) and the Internal Revenue Service (IRS) should not impose additionality or temporal matching requirements when implementing the Internal Revenue Code (IRC) Section

45V Clean Hydrogen Credit; and

- b. That APPA believes that requiring that clean electricity used to produce clean hydrogen must come from new (i.e., “additional”) facilities for purposes of the IRC Section 45V Clean Hydrogen Credit would restrain the credit from reaching its full potential and intended purposes; and
- c. That APPA believes that requiring hydrogen to be produced contemporaneously with clean energy misses opportunities for efficiency and innovation, as well as poses unnecessary challenges for entities otherwise eligible for the credit; and
- d. That APPA believes that Treasury and the IRS should amend proposed regulations (issued on December 26, 2023) implementing IRC Section 45V Clean Hydrogen Credit to remove the proposed additionality and temporal matching requirements and make these rules consistent with congressional intent and goals, along with the clean-energy tax policies underlying the Clean Hydrogen Credit.

## WHOLESALE MARKETS

(Includes regional transmission organizations and independent system operators)

### 1. Resolution 23-03 – On Formulating Reasonable Policies for Regional Transmission Organizations and Independent System Operators and the Markets They Administer

(adopted February 27, 2023)

- a. That the American Public Power Association (APPA) urges Congress and the Federal Energy Regulatory Commission (FERC) to maintain the current voluntary approach to participation in regional transmission operators (RTOs) or independent system operators (ISOs); APPA does not support general legislative or regulatory requirements compelling electric utilities to form or join RTOs or ISOs; and
- b. That FERC rules and policies governing RTOs/ISOs should:
  - i. positively impact consumer welfare and avoid impediments to the public power business model;
  - ii. ensure that RTOs/ISOs have the necessary independence to provide non-discriminatory rates and service to all participants;
  - iii. recognize and respect regional differences and preferences;
  - iv. permit the fair and effective participation of publicly owned utilities, accommodate their special circumstances including tax law and other legal requirements under which they operate, and provide comparable cost recovery for their transmission assets;
  - v. ensure that RTO/ISO governance is transparent and accountable to electric consumers' interests;
  - vi. support rational long-term generation resource arrangements that are in turn supported by dependable, long-term transmission service provided at just and reasonable rates;
  - vii. foster well-functioning wholesale electric markets that produce just and reasonable rates for customers;
  - viii. ensure that the RTO/ISO markets have adequate supply at all times it is needed;
  - ix. ensure pricing methodologies for transmission that produce reasonably certain and stable prices over the long term in order to support new generation construction and long-term power supply contracts;
  - x. consistent with section 217 of the Federal Power Act (16 U.S.C. § 824q), ensure that load-serving entities that have built generation, or made contractual commitments for power, to serve customers whom they have a legal obligation to serve (retail and wholesale native load), and that have built transmission or reserved firm transmission

service for such resources, continue to have a right to their existing firm transmission rights, or equivalent tradable or financial transmission rights (FTRs) for resources dedicated to meet their service obligations;

- xi. ensure that FTRs provide a sufficient congestion cost hedge for load-serving entities;
- c. That FERC should ensure that RTO/ISO tariff provisions, including, but not limited to, “buyer side” market power mitigation measures for RTO/ISO capacity markets:
- i. do not impede the ability of public power systems to obtain through self-supply sufficient power supply and demand-side resources to serve their retail loads at least cost, taking into account short-term and long-term portfolio needs, resource diversification, environmental considerations, and any other policy preferences of their communities; and
  - ii. ensure the ability of public power utilities to self-supply their own loads with their own resources by ensuring that these resources will clear relevant capacity market auctions absent the intentional exercise of buyer-side market power to decrease capacity prices; and
  - iii. preserve the rights of state regulatory commissions and local authorities to set procurement rules to meet public policy goals established by state and local regulatory authorities, including but not limited to, replacing older generation, entering into long-term contracts, using tax-exempt borrowing authority, and favoring resource types preferred under state and local law and policy; and
- e. That FERC should adopt requirements for the collection and maintenance of a comprehensive set of data on RTO/ISO performance metrics to facilitate objective assessments of RTO/ISO costs and benefits; and
- f. That FERC should respect the considerable regional diversity that exists throughout the country and embrace regional alternatives developed within regions that do not have and do not wish to have RTOs or ISOs.

**TRANSMISSION AND SITING**  
**(Includes Comprehensive Permitting Reform)**

**1. Resolution 22-02 – In Support of Transmission Policies That Deliver Reliable and Affordable Electricity for Public Power Customers** (adopted March 1, 2022)

- a. That the American Public Power Association (APPA) strongly believes that any federal policies designed to promote new transmission development must focus on ensuring the delivery of reliable and affordable power to consumers for decades to come. To that end, transmission planning processes: (1) should prioritize reliably meeting the needs of public power utilities and other load-serving entities (LSEs), consistent with Congress' direction in Federal Power Act (FPA) section 217(b)(4), as planning grounded in LSE service obligations will accommodate an evolving resource mix, including increased renewable generation; (2) should be informed by LSE resource plans in identifying transmission needs; (3) should be forward-looking, based on available and future resources, load, and meeting unique regional needs, while avoiding overly speculative assumptions about the siting of new generation; and (4) should be open and transparent for all stakeholders. Policies should emphasize transparency in the evaluation and approval of new transmission and promote cost control for consumers for all aspects of construction, development, rate design, and returns on equity; and
- b. That APPA reiterates that, in considering policies to promote transmission development, Congress, the Department of Energy (DOE), and Federal Energy Regulatory Commission (FERC) should ensure that customers do not pay excessive transmission rates. Transmission investment costs allocated to customers must be roughly commensurate with the benefits customers receive, and any use of rate incentives to promote transmission investment – including investments in cybersecurity and grid technologies – must conform to recognized incentive rate restrictions and requirements to ensure just and reasonable rates under the FPA; and
- c. That new legislative and regulatory policies relating to transmission planning, generator interconnection, and cost allocation should appropriately account for regional differences, including diverse resource mixes, market structures, geographic siting constraints, and weather; and
- d. That APPA reiterates its support for FERC to use its FPA authority to implement policies that encourage and promote the joint ownership of transmission systems in regional transmission organization (RTO) and non-RTO regions; transmission owners developing new transmission projects should be encouraged to include public power utilities in the

ownership and financing of transmission projects whose low-cost debt financing would help minimize the ultimate cost of such projects borne by ratepayers, among other benefits of joint ownership arrangements; and

- e. That APPA opposes legislative or regulatory mandates that would require all public utilities (or all public utilities in a particular region) to join an RTO or independent system operator; and
- f. Any federal incentives for transmission must be available to public power. In the case of an investment tax credit (ITC) for transmission, the benefit of the ITC must be passed through to consumers and it must be provided to public power as a refundable tax credit; and
- g. To encourage the development of new transmission facilities, Congress and the federal agencies should take actions to streamline the federal permitting and siting process, eliminate excessive regulatory barriers, and ensure more timely decisions from relevant federal agencies.

**2. Resolution 23-01 – On Promoting Reasonable Transmission Policies for Public Power Utilities** (adopted February 28, 2023)

- a. That the American Public Power Association (APPA) believes that substantial new transmission facilities will be required in some regions to replace aging infrastructure, promote reliability and security, and accommodate an evolving generation resource mix; and
- b. That APPA urges the Federal Energy Regulatory Commission (FERC), in the face of increased transmission investment and rising transmission costs, to implement and enforce transmission planning, cost recovery, and incentive policies that ensure customers do not pay excessive transmission rates; and
- c. That APPA urges FERC to enforce the transmission planning process requirements of FERC Order Nos. 890 and 1000 in a manner consistent with the purposes and goals of those orders; and
- d. That APPA urges the public, states, FERC, and Congress to balance the concerns of specific states, landowners, and other groups opposing specific transmission projects against the larger public good benefiting the reliability and affordability of an entire region; and
- e. That APPA urges FERC to enforce the obligation of a transmission provider to plan and construct its system to accommodate the needs of network transmission customers on a par with the needs of its retail native load customers; and
- f. That APPA urges FERC, in addressing cost allocation for new transmission facilities, to

ensure that costs allocated to customers are roughly commensurate with the benefits customers receive; and

- g. That APPA believes that in allocating costs in accordance with Federal Power Act (FPA) requirements, FERC should be sensitive to differences in state policies. If a project is being promoted to meet a public policy objective, the specific objective and its source (e.g., state statute or regulatory requirement) must be specifically identified. Such identification, as well as differences among state policies, is appropriate to consider in determining whether an allocation of costs is roughly commensurate with the benefits received; and
- h. That APPA urges FERC, in establishing policies for setting the allowed return on equity (ROE) for cost-based transmission rates, to adhere to the consumer protection objectives of the FPA and ensure that authorized ROEs do not exceed the market cost of equity for investments of similar risk; and
- i. That APPA urges FERC to adhere to recognized requirements for transmission incentives to ensure just and reasonable rates, including: (i) a demonstrated connection between the incentive and the conduct the incentive is supposed to encourage; (ii) a showing that project specific incentives are justified by project risks and challenges; (iii) demonstrated efforts to minimize project risks, including appropriate consideration of joint ownership arrangements; (iv) incentive returns should not be applied to cost overruns; and (v) incentives should not be granted to motivate past conduct or actions that public utilities are otherwise legally compelled to undertake; and
- j. That APPA recommends that FERC continue its efforts to weigh the status of competitive transmission development under Order No. 1000, including an assessment of the potential for increased transmission competition to moderate transmission cost increases in some or all planning regions.

**3. Resolution 23 – 02 – On Promoting Transmission Joint Ownership Opportunities for Public Power Utilities** (adopted February 28, 2023)

- a. That the American Public Power Association (APPA) believes that the opportunity for not-for-profit load-serving utilities, including public power utilities, to have ownership interests in new transmission facilities can serve as a valuable tool in promoting new cost-effective transmission development while providing many other benefits;
- b. That APPA urges Congress to encourage and support joint ownership of transmission by not-for-profit load-serving utilities, including public power utilities; and
- c. That APPA urges the Federal Energy Regulatory Commission (FERC) to use its authority under the Federal Power Act to encourage joint ownership opportunities for

public power utilities and other not-for-profit load-serving utilities, including, but not limited to, FERC's authority to: (i) establish the requirements for transmission planning by public utilities, including regional transmission organizations and independent system operators; (ii) tailor any consideration of transmission incentives to recognize and promote the many benefits of non-public utility joint ownership; (iii) impose conditions on public utility mergers; and (iv) ensure that all sellers authorized to charge market-based rates have mitigated their generation and transmission market power.

## **PUBLIC UTILITY REGULATORY POLICIES ACT**

### **1. Resolution 23-05 – On Promoting Reasonable Policies Under the Public Utility Regulatory Policies Act of 1978** (adopted February 28, 2023)

- a. That the American Public Power Association (APPA) encourages Congress to reform the mandatory purchase and mandatory sales obligations imposed on electric utilities by section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA), as these obligations are no longer necessary or appropriate in light of the significant industry changes since 1978, including the development of wholesale electricity markets, the adoption of open access transmission policies, and the adoption of state and federal policies to promote renewable sources of power; and
- b. That, absent elimination of mandatory requirements under PURPA section 210, APPA supports prospective legislative and regulatory efforts that minimize the obligations on public power utilities to buy energy and capacity from qualifying facilities (QFs) pursuant to PURPA, and that otherwise provide flexibility in determining the avoided cost rates required to be paid to QFs, in light of industry developments since PURPA was enacted; and
- c. That APPA supports legislative and regulatory policies under PURPA that allow public power utilities to design their rates, terms, and conditions for retail service in a manner that is fair and reasonable to all customers; and
- d. That APPA objects to future amendments to section 111(d) of PURPA that would require state public utility commissions and larger non-regulated electric utilities to formally consider additional electric utility policies or standards, as such “must consider” standards impose unnecessary procedural obligations on many public power utilities, and many are duplicative of policies that utilities have already considered.

## **DISTRIBUTED ENERGY RESOURCES AND ENERGY STORAGE**

### **(Includes Hydrogen)**

#### **1. Resolution 21-01 – In Support of Energy Storage** (adopted March 2, 2021)

- a. That the American Public Power Association (APPA) supports policies that bolster research and development of energy storage technology, including by reducing costs and increasing storage duration, and policies that incent the deployment of beneficial energy storage technology; and
- b. That APPA urges Congress and federal agencies to support the development and deployment of energy storage technology in a manner that recognizes state and local authority, increases reliability, and keeps costs affordable for consumers.

#### **2. Resolution 21-06 – In Support of Federal Incentives for Utility-Scale Hydrogen Energy Storage Projects** (adopted March 2, 2021)

- a. That the American Public Power Association (APPA) urges federal policies to increase the research, development, and deployment of hydrogen technology for the electric utility sector, in addition to transportation and industrial uses; and
- b. That APPA believes that the hybrid use of renewable hydrogen and natural gas would help reduce greenhouse gas emissions and allow for the widespread adoption of and assessment of hydrogen use in electric generation; and
- c. That APPA urges Congress to provide equal incentives to all segments of the utility industry, including public power, in any programs to advance hydrogen deployment.

#### **3. Resolution 23-04 – On Promoting Reasonable Policies for Distributed Energy Resources** (adopted February 28, 2023)

- a. That the American Public Power Association (APPA) believes distributed energy resources (DERs), including distributed generation (DG) can play an important role in public power's energy portfolio, and APPA supports member utilities' efforts to safely and effectively install and facilitate the use of DERs; and
- b. That APPA believes that it is important that all DER customers pay their fair share of the costs of keeping the grid operating safely and reliably, recognizing the benefits provided by those customers. Thus, retail rate structures, including DER customer compensation policies, must be designed to reflect utility costs and benefits, and to assure that all those who benefit from the grid or provide benefits to the grid are sharing fairly in the cost of

- building and maintaining it; and
- c. That APPA supports the utility owned and operated community solar ownership structure for solar DG projects, as this type of ownership can address many of the issues associated with DG usage; and
  - d. That, in implementing the requirements of its Order No. 2222 addressing participation of aggregated DERs in wholesale markets administered by regional transmission organizations (RTOs) and independent system operators (ISOs), the Federal Energy Regulatory Commission (FERC) should respect the actions of public power distribution utilities in regulating the safety and reliability of their distribution systems; and
  - e. That APPA applauds FERC's adoption in Order No. 2222 of the small utility "opt-in" mechanism under which customers of utilities that distributed 4 million megawatt-hours or less in the previous fiscal year may not participate in DER aggregations unless the relevant electric retail regulatory authority (RERRA) affirmatively allows such customers to participate in DER aggregations; and
  - f. That APPA urges FERC to maintain its current rules for participation in demand response aggregations under which an RTO/ISO may not accept bids from a demand response aggregator of retail customers served by utilities that distributed more than 4 million MWhs in the previous year if the RERRA affirmatively prohibits wholesale market participation (opt-out), and for customers served by utilities that distribute 4 million MWhs or less, the ISO/RTO may not accept bids from an aggregator unless the RERRA affirmatively permits it (opt-in).

## RELIABILITY

(Includes vegetation management and wildfires)

### 1. Resolution 23-07 – In Support of Federal Efforts to Address the Supply Chain Crisis for Distribution Transformers (adopted February 28, 2023)

- a. That the American Public Power Association (APPA) urges immediate federal efforts to address the current supply chain crisis for critical grid components, such as transformers, which threatens public power utilities' ability to provide reliable and affordable power;
- b. That APPA requests the Department of Energy utilize Defense Production Act authorities to immediately increase the production of distribution transformers and urges Congress to appropriate adequate funding toward those authorities; and
- c. That APPA urges the federal government to adopt policies to further the development of the domestic production of transformers and to work directly with manufacturers to identify short and long-term solutions addressing the root causes of the distribution transformer shortage.

### 2. Resolution 24-03 – In Support of Electric Reliability (adopted February 27, 2024)

- a. That the American Public Power Association (APPA) strongly supports efforts to maintain and improve the reliability of the nation's electric grid; and
- b. That APPA believes the Federal Energy Regulatory Commission (FERC) should be given the authority, and had an obligation to, analyze the potential reliability impacts of major proposed and final federal regulations; and
- c. That APPA supports efforts by Congress to enact legislation that would provide FERC with a formal role in determining the potential reliability impacts of major proposed and final federal regulations; and
- d. That APPA believes that should FERC determine a major proposed or final federal regulation would adversely affect the reliable operation of the bulk electric system, it must proactively work with the issuing agency, which should be required to make the necessary modifications to the proposed or final federal regulation to allow electric utilities, including public power utilities, to comply with such regulations without adversely impacting regional or local electric system reliability.

### 3. Resolution 24-04 – In Support of Reasonable Reliability Standards (adopted February 27, 2024)

- a. That the American Public Power Association (APPA) strongly supports efforts to maintain and improve the reliability of the nation's electric grid, including through appropriate and

reasonable reliability standards issued by the North American Electric Reliability Corporation (NERC) to provide for the reliable operation of the bulk power system; and

- b. That APPA believes efforts to improve the reliability of the nation's electric grid should be based on the following principles:
  - i. Risks that present the greatest potential threat to system reliability should receive the highest priority attention;
  - ii. Reliability enforcement should focus on activities that directly improve system reliability, with less emphasis on paperwork and documentation requirements;
  - iii. National reliability efforts should focus on issues that threaten national or regional outages and avoid interference with local control of distribution systems;
  - iv. Reliability standards are most successful when they are developed from the bottom up, utilizing industry's expertise through the NERC standards development process;
  - v. In developing reliability standards, NERC should remain mindful that distribution facilities are excluded from the definition of the bulk power system under the Federal Power Act; and
  - vi. Penalties for reliability violations should bear a reasonable relationship to the level of the risk the violation creates for cascading outages and similar regionwide events; and
- c. That APPA believes that standards developed in a transparent, collaborative, and fair process will be the most effective and encourages the Federal Energy Regulatory Commission, NERC, and regional entities to:
  - i. Support efforts to clarify existing mandatory reliability standards, and to include measurable requirements in these standards to the extent feasible, to help registered entities prioritize resources to satisfy compliance requirements;
  - ii. Support standards development procedures that appropriately recognize the need for stakeholder input as part of an efficient and effective standards development process.
  - iii. Support efforts to provide greater transparency and consistency within and between regions in the enforcement and auditing processes;
  - iv. Adopt procedures enabling utilities to seek informal advice from regional entities outside the enforcement process, and procedures that enable regional entities to provide consistent advice through real-time coordination with NERC;
  - v. Adopt procedures that facilitate informal resolution without resort to Notices of Alleged Violation;

- vi. Reform NERC sanction guidelines to narrow the range of potential penalties, limit the application of daily penalties, and require more empirical rigor in the application of mitigating and aggravating factors relevant to the application of penalties;
- vii. Give the views expressed in self-reports by registered entities their due weight, and foster collaborative problem solving by allowing self-reports to facilitate informal communications between registered entities and regulatory entities without penalizing registered entities for self-reporting; and
- viii. Employ procedures for education, cooperation, and informal resolution as primary resources in the effort to enhance system reliability, with the assessment of penalties undertaken where essential and after other efforts have failed.

**4. Resolution 24-07 – In Support of Risk-Based Grid Security Standards** (adopted February 27, 2024)

- a. That the American Public Power Association (APPA) supports the existing mandatory and enforceable regulatory regime for the bulk power system set up in the Energy Policy Act of 2005 (section 215 of the Federal Power Act); and
- b. That APPA supports risk-based grid security standards and opposes “one-size fits all” approaches to security regulations; and
- c. That APPA opposes mandatory and enforceable federal standards for distribution-level electric utilities; and
- d. That APPA encourages the federal government to work directly with digital component vendors and manufacturers to strengthen supply chain security for all equipment, components, and subcomponents used for critical electric infrastructure using a risk-based framework that factors in cost and availability; and
- e. That APPA encourages the federal government to: (a) expand domestic production of electric equipment, components, and subcomponents to ensure their security and (b) require vendors and manufacturers of such components to provide origin information for all components and subcomponents, including software code, included in any equipment, components, and subcomponents sold in the United States so purchasers can ensure that no such components or subcomponents were produced in hostile countries or by suspect suppliers; and
- f. That APPA will continue to educate and encourage all APPA members to improve protection strategies that include tighter physical access measures and surveillance, voluntary industry-wide physical and cybersecurity standards and guidelines, participation in emergency preparedness drills that focus on protection, response, and recovery, and further development

of emergency supply chain networks and spare equipment sharing programs to support restoration.

**5. Resolution 25-08 – In Support of Reliable and Affordable Energy Infrastructure** (adopted February 25, 2025)

- a. That the American Public Power Association (APPA) strongly supports efforts to maintain a reliable and robust energy grid throughout the United States, which is essential to protecting the health, safety, and welfare of the public and to supporting domestic economic growth; and
- b. That APPA supports efforts in Congress to invest in energy and grid infrastructure that will ensure reliable and affordable power for public power utilities and their customers; and
- c. That APPA believes that investments in energy infrastructure are not only vital in ensuring reliable and affordable electricity today but are also critical to helping public power utilities meet rising electricity demand, protect our electricity system from physical and cybersecurity risks, and restore power to homes and businesses following extreme weather; and
- d. That APPA believes that federal support for energy infrastructure, including, but not limited to technical assistance, grants, research, development, and deployment programs, loans, or incentive payments, should utilize simple, streamlined, and transparent applications, that allow for broad access and provide the necessary flexibility for not-for-profit utilities, especially those with limited resources, to ensure the benefits of infrastructure investments are accessible to all public power utilities; and
- e. That APPA supports ongoing federal investment and support for the energy infrastructure that public power needs to provide their communities with reliable, affordable, and sustainable electricity.

**6. Resolution 25-09 – In Support of Increased Federal Efforts to Address the Growing Threats of Wildfires** (adopted February 25, 2025)

- a. That the American Public Power Association (APPA) urges Congress to increase appropriations for wildfire mitigation, suppression, and research at various federal agencies, including the Department of Energy, Department of the Interior, Department of Agriculture, and Department of Commerce, as well as the Federal Emergency Management Agency. This would include increased funding for:
  - i. Hazardous fuels treatments, prescribed fire applications, and other fuel reduction work and vegetation management on public lands.

- ii. Land management agencies, including their regional offices, for necessary staffing to facilitate timelier issuance and implementation of permits for forest management (including healthy forest practices) and utility corridor vegetation management activities.
  - iii. Sufficient wildland firefighter staffing and pay, as well as for firefighting capacity and suppression resources.
  - iv. Wildfire research that will improve near-term and long-term situational awareness (including mapping tools, weather stations, thermal imaging cameras, and satellites) by the National Oceanic and Atmospheric Administration to develop more granular and highly predictive weather models to better inform operations or risk conditions and threats.
  - v. The development of technologies to fight or mitigate wildfires.
- b. That APPA believes Congress should adopt policies that help electric utilities mitigate for wildfire and respond quickly in emergencies by expediting agency approvals for routine vegetation management and hazard tree removal, creating right-of-way access roads for necessary equipment, and enabling grid hardening efforts, such as replacing wooden poles with metal poles or undergrounding lines. Such policies would include:
- i. Amending the National Environmental Policy Act (NEPA), and National Historic Preservation Act (NHPA) to categorically exclude vegetation management, right-of-way access road, post-fire recovery efforts, and grid hardening projects from NEPA and NHPA reviews.
  - ii. Directing land-management agencies to further clarify emergency hazard tree removal approval processes and have those policies consistent across regions and agencies.
  - iii. Amending existing expedited authorities under the Federal Land Policy and Management Act of 1976 (FLPMA) with respect to rights-of-ways to allow the clearing of hazard trees within 150 feet of an electric power line instead of the current limit of 10 feet.
  - iv. Amending the FLPMA to allow for the automatic approval of vegetation management plans submitted by electric utilities after approximately four months without amendment and creating a process for modified plans that are not reviewed with 120 days of submission.
  - v. Amending the FLPMA to promote additional consultations with private landholders about hazard trees on their land.

- vi. Directing land-management agencies to expedite implementation of master service agreements with utilities that hold multiple operating and maintenance electric corridor permits
  - vii. Directing land-management agencies to incorporate policies that power restoration is a priority post wildfire.
  - viii. Direct federal agencies to incorporate mechanisms for joint disaster command communication and community messaging with electric utilities during wildfire events.
- c. That APPA believes Congress should reasonably limit electric utility liability for wildfires on federal lands to ensure the reliability, affordability, and resilience of the grid by directing the U.S. Forest Service to reduce its recent increases to the strict liability cap for special use permit holders and directing the Bureau of Land Management (BLM) to reduce its increase to the strict liability cap for grant holders.
  - d. That APPA supports Congress creating a voluntary federal insurance backstop solution to stabilize the insurance market and ensure continued electric reliability across high-risk wildfire areas. Such a solution would need to be designed in a manner to bolster the existing insurance market for wildfire liabilities and not displace it; and
  - e. That if Congress were to consider legislation to provide additional liability protections to electric utilities from wildfires, APPA believes such legislation must be drafted in a manner that does not override existing state protections for public power utilities.

## **CYBERSECURITY AND PHYSICAL PREPAREDNESS**

- 1. Resolution 24-08 – In Support of Protecting Critical Electric Information from Public Disclosure** (adopted February 27, 2024)
  - a. That the American Public Power Association (APPA) urges Congress to amend the definitions of critical electric infrastructure and defense critical electric infrastructure in the Fixing America’s Surface Transportation (FAST) Act to explicitly include cybersecurity measures and assets; and
  - b. That APPA urges Congress to amend the FAST Act to make it clear that critical electric infrastructure information (CEII) submitted to the Federal Energy Regulatory Commission (FERC) or Department of Energy (DOE) must be treated as such even if FERC or DOE does not immediately designate the information as CEII; and
  - c. That APPA urges Congress to amend the FAST Act to protect CEII for a period longer than five years.
  
- 2. Resolution 24-09 – Cybersecurity Incident Reporting for Electric Utilities** (adopted February 27, 2024)
  - a. That the American Public Power Association (APPA) opposes consideration of additional statutory or regulatory cybersecurity incident reporting mandates until the Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCIA) is fully implemented; and
  - b. That APPA supports maintaining the Department of Energy (DOE) as the sector risk management agency for the electricity sector and for DOE to play an active role in implementing CIRCIA in a manner that is harmonized with existing reporting requirements (at DOE, the North American Electric Reliability Corporation, Federal Energy Regulatory Commission, Nuclear Regulatory Commission, and any other relevant agencies or departments); and
  - c. That APPA strongly encourages the Cybersecurity and Infrastructure Security Agency and DOE to take a careful and deliberative approach to implementation of CIRCIA, taking into account existing reporting mandates and organizations, and to appropriately tailor reporting mandates commensurate with risk to national security.

## ENVIRONMENT

(Includes climate, Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, Endangered Species Act, and National Environmental Policy Act)

1. **Resolution 23-09 – In Support of a Federal Clean Energy Standard That Reduces Greenhouse Gas Emissions to Address Climate Change While Keeping Electricity Affordable and Reliable** (adopted February 28, 2023)
  - a. That the American Public Power Association (APPA) supports regulatory certainty through congressional enactment of a federal clean energy standard (CES) to reduce greenhouse (GHG) emissions from the electric sector that protects affordability, reliability, and flexibility while incorporating the concepts in this resolution;
  - b. That legislation to create a federal CES should do all the following:
    - i. Establish a target of getting to net-zero emissions by 2050 to provide public power utilities with sufficient time to site, permit, and construct clean energy and transmission projects and for the commercial development of needed technologies, such as long-term energy storage, green hydrogen, advanced nuclear reactors, and carbon capture utilization and storage (CCUS).
    - ii. Be technology neutral, based on the level of GHG emissions generated by each technology and not on other factors.
    - iii. Avoid annual incremental increases in clean electricity goals to minimize the cost of compliance. Retiring, retrofitting, or retooling large fossil fuel-fired power plants will significantly reduce emissions. This clean energy transition will not occur in small, annual increments for individual utilities, but rather will happen in large blocks with no emission reductions in some years and significant reductions in others due to the retirement of existing fossil fuel-fired resources and/or the addition of zero-emitting resources.
    - iv. Include safety valves for reliability, affordability, and technology administered primarily by the Department of Energy (DOE) in consultation with the Environmental Protection Agency (EPA) and other federal agencies:
      1. A reliability safety valve is needed to ensure that as electric utilities increase their percentage of clean electricity resources, grid reliability is not compromised. Reliable and affordable electricity is essential to the nation’s economic and national security, as well as vital to the health and safety of all Americans
        - a. States and regional transmission organizations/independent system operators (RTOs) should have an important role in

assessing the reliability impacts of increasing reliance on intermittent resources. The Federal Energy Regulatory Commission, North American Electric Reliability Corporation, DOE, and other federal entities should be obligated under a federal CES to ensure continued reliability.

2. A mechanism is needed that would temporarily pause a compliance obligation if retail electricity rates (including the cost of generation, transmission, and delivery to retail customers) go above the cost of inflation due to incremental costs specific to CES compliance. This would help prevent significant rate increases for customers, especially for economically disadvantaged individuals and families.
  - a. It should be designed in a manner that ensures electric utilities that need a cost cap can use it to contain costs and protect electric customers.
  - b. It must also consider that electric utilities in many states are subject to state clean energy requirements, some of which are additional to, and not overlapping with, the requirements of a federal CES. As such, a federal CES should seek to mitigate this redundancy by giving electric utilities credit for state compliance, or otherwise providing alternative compliance mechanisms that incorporate state (or local) mandates.
3. A mechanism to temporarily pause CES targets if technology does not develop to required commercial scale to make deep emissions reductions feasible, reliable, and economic.
- v. Create a zero-emission electricity credit (ZEEC) trading market only open to electric utilities and generators to help electric utilities comply with the CES. Under such a market, cost-containment measures are needed to ensure ZEECs do not get too expensive and are not subject to market manipulation.
  1. Such a trading program must allow for the long-term banking of ZEECs for a minimum of five years. Generation projects coming online or purchase power agreements by electric utilities are very unlikely to exactly match their annual compliance obligations. Increasing the period in which an electric utility can bank ZEECs will allow for more reasonable compliance approaches with a CES by allowing it to hold onto its surplus ZEECs for those years where it may

be short of ZEECs.

- vi. ZEECs should transfer to the purchasing electric utility with an existing agreement that provides for the transfer of renewable energy credits or other environmental attributes from the generator. Similarly, federal power customers should receive ZEECs associated with purchases of federal hydropower marketed by any of the federal Power Marketing Administrations or Tennessee Valley Authority.
- vii. Allow electric utilities that are subject to a state CES that is more stringent than a federal CES to monetize their ZEECs.
- viii. Allow electric utilities subject to clean electricity compliance obligations to receive ZEECs for investments they make that reduce GHG emissions outside the electric sector.
- ix. Make public power utilities eligible for all energy-related tax credits, both new and existing production tax credits and investment tax credits, as direct pay refundable tax credits.
- x. Require the federal government to make massive investments in technology development with an emphasis on dispatchable, GHG-free, or carbon-sequestered generation, such as advanced nuclear reactors, hydrogen, long-duration energy storage, pumped storage hydropower, predictive sensor technologies to optimize hydropower, CCUS, marine energy, etc.
- xi. As electric utilities increase their percentage of zero-emitting resources, a CES must ensure that dispatchable resources of all types are available to serve system loads until such time that grid-scale energy storage technology, including long-duration storage, is fully commercially developed, widely available, and cost effective to ensure grid reliability and rate affordability.
- xii. It should not include mandatory participation in an organized market, such as a regional transmission organization, for those entities not already participating in an organized market.
- xiii. Ensure that sufficient, cost-effective transmission is available to deliver clean electricity needed to meet a federal CES compliance obligation.
- xiv. Require the federal government to expedite the federal siting and permitting process to ensure the timely review and approval of clean energy and transmission projects needed by electric utilities to reduce GHG emissions.
- xv. Provide cash assistance to public power utilities that own fossil-fuel fired electrical generating units that become stranded assets due to their premature

retirement from compliance with a federal CES to prevent significant rate increases to customers.

1. Such assistance should be available to retire existing debt and cover the costs for the premature decommissioning of fossil fuel-fired units due to compliance with a federal CES.
- xvi. Fund grants through DOE to public power utilities for investments in grid technologies that enable available resources to meet demand, including demand response management, and technologies needed to integrate distributed energy resources, as well as electric vehicles and smart sensors.
- xvii. Fund grants through DOE and the Department of Transportation to public power utilities for electrification of transportation (terrestrial and maritime) infrastructure and emerging technologies, including hydrogen and other lower-emission transportation fuels produced by electricity.
- xviii. Allow alternative compliance payments to be made in lieu of meeting CES targets and have such funds be reinvested directly back into the communities served by electric utilities subject to clean electricity compliance obligations for activities they undertake that reduce GHG emissions.
- xix. Establish five-year check-ins by Congress with input from DOE and EPA, as well as other federal agencies and regulated entities, on how the CES is being implemented. The review should look at progress being made, any obstacles faced by electric utilities in achieving their compliance obligations, and the costs of compliance, as well as the ability to meet targets given the evolving technologies.
- xx. Indemnify facilities using CCUS technology and their associated sequestration activities to ensure CCUS is a viable option for reducing GHG emissions by electric utilities that own fossil fuel fired units. It must also ensure state policies do not result in units with CCUS technology becoming stranded assets.
- xxi. Direct the National Laboratories to partner with electric utilities and technology companies on the development and deployment of affordable technologies needed to achieve net-zero emissions by the power sector.
- xxii. Recognize all forms of hydropower as a zero-emitting resource and its importance in providing grid flexibility through dispatchability and other attributes that work in support of intermittent energy resources.
- xxiii. Recognize the importance of nuclear power as a reliable, dispatchable, high baseload capacity form of non-emitting generation. Existing nuclear power plant

need to be preserved and new nuclear technologies need to be developed to provide reliability and further reduce GHG emissions from the power sector.

- xxv. Recognize all forms of biomass generation as renewable resources and allow for their continued use by public power utilities in meeting their compliance obligations.
- xxvi. Allow electric utilities to use energy efficiency as a tool for compliance with a federal CES, but not include energy efficiency mandates on electric utilities, such as a federal energy efficiency standard, which would reduce the flexibility available to public power utilities as they transition to clean energy resources.
- xxvii. Provide public power utilities and their customers with federal incentives for energy efficiency, including rebates, grants, tax credits, and programs targeted to low-or fixed income households.
- xxviii. Consider the economic impacts to disadvantaged individuals and communities. Rate increases disproportionately harm the poor. A federal CES must balance targets and timelines with efficient and cost-effective emissions reductions to protect economically disadvantaged individuals and communities.

**2. Resolution 26-01 – In Support of Restructuring the Regional Haze Program** (adopted February 24, 2026)

- a. That the American Public Power Association (APPA) supports restructuring the Environmental Protection Agency’s (EPA) Regional Haze Program (RHP) under the Clean Air Act to reduce regulatory burdens and maintain progress toward visibility goals; and
- b. That APPA appreciates EPA’s intent to review and revise RHP regulations to reflect real-world conditions and maintain congressional intent for a federalist approach to maintain visibility standards; and
- c. That APPA supports RHP adjustments that factor in issues related to non-point source pollution, including from wildfires and cross-border pollution.

**3. Resolution 26-02 – In Support of Amending the Clean Water Act to Promote Regulatory Certainty** (adopted February 24, 2026)

- a. That the American Public Power Association (APPA) supports efforts to streamline Clean Water Act permitting processes, including clarifying the scope of section 401 State Water Quality Certifications; and
- b. That APPA supports modernizing and streamlining the Nationwide Permit Program to provide

regulatory certainty for electric utility infrastructure projects that have minimal environmental effects; and

- c. That APPA supports codifying the Environmental Protection Agency’s longstanding exclusion for waste treatment systems from the regulatory definition of waters of the United States; and
- d. That APPA supports judicial review requirements and deadlines that ensure project delays are minimized where possible without compromising public power’s commitment to being stewards of the nation’s natural resources.

**4. Resolution 26-03 – In Support of Modernizing the New Source Review Program** (adopted February 24, 2026)

- a. That the American Public Power Association (APPA) supports statutory changes to the definition of “modification” that limit the scope of the New Source Review Program (NSR) to address direct changes to the emitting unit, including the installation of modern pollution control technology; and
- b. That APPA supports excluding changes to the definition of modification that reduce emissions per unit of production or changes to restore, maintain, or improve reliability and safety from the NSR process; and
- c. That APPA supports clarifying “Prevention of Significant Deterioration” by defining the terms “construction” and “modification” to include modifications, excluding changes that do not result in a significant increase in overall emissions or net emissions; and
- d. APPA supports reforms to the routine maintenance, repair, and replacement (RMRR) NSR provisions to establish a bright line test for RMRR exclusion from NSR. RMRR reforms should encourage the use of improved replacement parts in place of refurbished existing parts.

**5. Resolution 26-04 – In Support of Revising Interstate Ozone Transport Requirements** (adopted February 24, 2026)

- a. That the American Public Power Association (APPA) supports reviewing and revising the federal implementation plan for the 2015 ozone national ambient air quality standard to ensure public power utilities can meet the established pollutant standards while meeting rising electricity demand and ensure grid reliability; and
- b. That APPA supports increased compliance flexibility in any revised nitrogen oxide emissions trading program; and
- c. That APPA does not support concepts, such as dynamic budgeting, daily emission backstop emission rates, or annual emission bank recalibration, to maintain emission bank control stringency; and

- d. That APPA supports future discretionary action to create an auction mechanism to increase allocation market liquidity.

**6. Resolution 26-05 – In Support of Streamlining the National Environmental Policy Act Review Process** (adopted February 24, 2026)

- a. That the American Public Power Association (APPA) supports reforming the National Environmental Policy Act (NEPA) permitting process to limit the scope of environmental reviews to proximate effects of the proposed action; and
- b. That APPA supports expanding the use of categorical exclusions and relying on programmatic review options and tiering to reduce unnecessary red tape for review of proposed actions when appropriate; and
- c. That APPA supports narrowing the scope of a NEPA analysis to “reasonably foreseeable” environmental effects of the proposed agency action as codified in the Fiscal Responsibility Act of 2023; and
- d. That APPA supports providing clarification for federal grant recipients that receiving federal funding does not constitute a “major federal action” requiring a NEPA analysis; and
- e. APPA supports efforts by Congress to address NEPA project delays and reform the statute to streamline the environmental review process and limit frivolous litigation.

**7. Resolution 26-06 – Principles for Reforming the Endangered Species Act** (adopted February 24, 2026)

- a. That the American Public Power Association (APPA) believes it is important to identify and enact improvements that support the recovery of threatened and endangered fish, plant, and wildlife populations while ensuring responsible land, resource, and water management through actions such as voluntarily creating and supporting healthy habitats and working cooperatively with public and private partners at the local, state, and federal levels; and
- b. That APPA supports a consistent and clear regulatory definition of the term “habitat” that only encompasses areas that are actually habitable for a listed species at the time of the critical habitat designation. At the time of designation, a habitat should exhibit physical or biological features that can support one or more life stages and ultimately, the conservation of the protected species; and
- c. That APPA supports revising the definition of the environmental baseline for section 7 consultations to clearly establish that effects from ongoing actions and existing structures are considered as part of the baseline; and
- d. That APPA supports preventing the Fish and Wildlife Service and National Marine Fisheries

Service from requiring federal agencies or project applicants to fully mitigate or offset impacts to listed species caused by their actions; and

- e. That APPA supports aligning deadlines for Endangered Species Act section 7 consultations, section 10 permits, and National Historic Preservation Act section 106 compliance with the deadlines listed for environmental assessments and environmental impact statements completed during the National Environmental Policy Act permitting process, timely and coordinated dispute and appeals process, and narrowing the scope of consultations and reviews for consistency with the recent U.S. Supreme Court decision in the *Seven County Infrastructure Coalition* case.

**8. Resolution 26-07 – In Support of Beneficial Use of Coal Combustion Residuals** (adopted February 24, 2026)

- a. That the American Public Power Association (APPA) supports the beneficial use of coal combustion residuals (CCR) as a non-hazardous secondary material in encapsulated and unencapsulated uses and that all beneficial uses, whether on-site or off-site, are exempt from all provisions of the federal CCR regulations; and
- b. That APPA supports the implementation of a federal CCR permitting program that provides a permit shield from claims in enforcement proceedings, including claims brought under the Resource Conservation and Recovery Act’s citizen suit provisions; and
- c. That APPA supports the development of site-specific, risk-based closure performance standards as part of an enforceable state permit program.

## ENERGY CONSERVATION

(This includes all federal energy efficiency statutes)

### 1. Resolution 24-02 – In Support of Energy Efficiency (adopted February 27, 2024)

- a. That the American Public Power Association (APPA) strongly supports public power utilities' efforts to improve energy efficiency; and
- b. That APPA believes Congress should continue to provide incentives, grants, rebates, and federal support for energy efficiency research and development to encourage achieving improved energy efficiency rather than imposing mandates; and
- c. That APPA believes that any federal incentives for energy efficiency, whether they utilize the tax code or direct spending, must be available to public power utilities and their customers; and
- d. That APPA believes any proposed legislation, standards, or initiatives related to energy efficiency should minimize net energy use measured on the system and not just at the point of use, be fuel neutral, technologically feasible in light of the realistic application of the technology in practice rather than the laboratory, economically justified in light of real-world application of the technology, demonstrate a clear benefit to consumers, support the efficient and reliable operation of the grid, and have a clear horizon in terms of long-term stability and predictability; and
- e. That APPA supports federal energy efficiency programs that provide economic and environmental benefits to disadvantaged communities, that promote economic development, deployment of efficient technologies, and provide sufficient, stable funding; and
- f. That APPA recognizes progress made by individual states that have implemented their own efficiency goals or standards and believes that a national energy efficiency standard is not necessary to achieve improved energy efficiency across the country.

## NUCLEAR POWER

### 1. **Resolution 24-05- In Support of Nuclear Power and an Efficient and Effective Nuclear Regulatory Commission** (adopted February 27, 2024)

- a. That the American Public Power Association (APPA) supports the continued use of nuclear power, a key source of emissions-free, baseload power; and
- b. That APPA strongly supports an effective U.S. Nuclear Regulatory Commission (NRC) with a clear and focused commitment to nuclear safety; and
- c. That APPA supports efforts to provide the NRC with all the regulatory and statutory tools necessary to streamline the licensing of advanced nuclear generating facilities to shorten the time necessary to win final approval of an application for the operation of a new nuclear unit; and
- d. That APPA urges the NRC to finalize a regulatory framework for the licensing of new nuclear plants that takes into account the “standard design” components of applicants to shorten the lengthy review process for the granting of final operating licenses; and
- e. That APPA believes NRC fees must be reasonable, transparent, and tied to specific regulatory services provided; and
- f. That APPA supports federal efforts to ensure a secure fuel supply chain, both for existing nuclear reactors and advanced nuclear technologies; and
- g. That APPA supports federal efforts to further the development of small modular reactors (SMRs), including the licensing and commercialization of SMR technologies for the use of electric utilities in the U.S.; and
- h. That APPA supports legislation, programs, incentives, and initiatives that help facilitate accelerated SMR development and commercialization and to maximize the safety, reliability, and efficiency of new and existing nuclear power plants.

### 2. **Resolution 24-06 – In Support of Storage Solution for Used Nuclear Fuel** (adopted February 27, 2024)

- a. That the American Public Power Association (APPA) believes the Department of Energy (DOE) must resolve the issue of used nuclear fuel storage to provide certainty to utilities currently or previously operating nuclear power plants, customers that have paid into the Nuclear Waste Fund, and entities pursuing advanced nuclear technologies; and
- b. That APPA supports the construction of a consolidated interim storage facility in a willing host community and the construction of a permanent repository for used nuclear fuel and other nuclear waste, including, but not limited to, Yucca Mountain; and

- c. That APPA believes that the funds in the Nuclear Waste Fund should not be diverted to fund any other programs and that DOE must establish a used nuclear fuel storage solution that allows for the possibility of future fuel recycling when economically feasible and that will not result in any increased costs or fees to the nuclear utilities or their customers; and
- d. That APPA remains committed to working with Congress and DOE to identify realistic and achievable solutions to address the issue of used nuclear fuel and ensure the federal government's obligation under the Nuclear Waste Policy Act of 1982 is fulfilled.

## **HYDROPOWER**

**1. Resolution 21-07 – In Support of Facilitating the Removal and Relocation of Sediment from Hydropower Reservoirs Impacted by the Effects of Climate Change** (adopted March 2, 2021)

- a. That the American Public Power Association (APPA) supports federal policies to expedite the voluntary removal and redeposit of debris and sediment runoff from hydropower reservoirs that results from more frequent and extreme weather events. Facilitating disposal of sediment for beneficial use on adjoining federal lands should be encouraged and streamlined to more effectively address the environmental, operational, and financial impacts of climate change.

**2. Resolution 25-01 – In Support of Hydropower, Hydropower Licensing Reform, and Hydropower Tax Credits** (adopted February 25, 2025)

- a. That the American Public Power Association (APPA) urges Congress to explicitly recognize all hydropower as a zero-emission electric generation resource that provides critical grid reliability characteristics and meets the requirements of any state or federal clean energy standard or policy.
- b. That APPA supports reforming the hydropower licensing process, including designating the Federal Energy Regulatory Commission (FERC) as the lead agency with the authority to set and enforce schedules for the issuance of all resource agency authorizations and studies and to ensure that any “mandatory conditions” are directly relevant to the project.
- c. That APPA supports tax incentives for environmental and safety upgrades necessary to maintain and relicense existing hydropower facilities and that those tax incentives be available to public power utilities through elective payment.

## FEDERAL POWER PROGRAM

(Includes the Power Marketing Administrations, Tennessee Valley Authority, preference power, and federal power projects)

1. **Resolution 22-11 – In Support of Colorado River Basin Drought Assistance** (adopted March 1, 2022)
  - a. To mitigate impacts resulting from the current drought, the American Public Power Association (APPA) urges the Bureau of Reclamation and Western Area Power Administration to continue implementing cost-cutting measures and strategies to sustain the Upper Colorado River Basin Fund (Basin Fund) and the Colorado River Dam Fund (Dam Fund), and stabilize rates for the Boulder Canyon Project, Colorado River Storage Project, and Parker-Davis Project, and to work in partnership with customers to develop operational, financial, and rate-setting strategies; and
  - b. That APPA encourages Congress to provide non-reimbursable appropriations to the Basin Fund and Dam Fund to mitigate drought-related impacts and ensure funding of annual obligations to maintain the viability of the federal Colorado River Projects.
  
2. **Resolution 22-12 – In Support of Hydropower, the Federal Columbia River Power System, and Opposing Breach of the Lower Snake River Dams** (adopted March 1, 2022)
  - a. Consistent with environmental protection, the American Public Power Association (APPA) opposes efforts to remove productive dams that provide, or have the potential to provide, clean and economic hydropower generation; and
  - b. That APPA opposes proposals to breach the Lower Snake River Dams, or the development of additional federal studies that presuppose removal of the Lower Snake River Dams, and encourages collaboration to help salmon in every part of their life cycle.
  
3. **Resolution 24-12 – In Support of Modernizing the Columbia River Treaty, Preparing for Changes to Flood Control Operations, and Reducing U.S. Power Obligations to Canada** (adopted February 27, 2024)
  - a. That the American Public Power Association (APPA) urges the U.S. State Department and White House to reduce the Canadian Entitlement (CE) to reflect the actual downstream power benefits of coordinated operations to the United States under the Columbia River Treaty or to seek other options, such as termination of the power provisions; and
  - b. That APPA recommends immediate action by the Army Corps of Engineers (the Corps) to

define its flood control strategy and work with Congress to identify and fund a post-2024 flood control strategy; and

- c. That APPA supports using federal appropriations, not ratepayer dollars, to subsidize paying Canada for flood control or developing a domestic alternative; and
- d. That APPA supports the Corps providing public power utilities the information they need to plan for post-September 2024 flood control protocols; and
- e. That APPA supports U.S. and Canadian interests working together to reduce and rebalance the CE so that funds authorized in the Infrastructure Investment and Jobs Act (IIJA) can be directed to improving transmission capacity to better optimize inter-regional delivery of emissions-free hydropower; and
- f. That APPA supports the Bonneville Power Administration working expeditiously with British Columbia, the Department of Energy, Bureau of Reclamation, and Mid-Columbia Public Utility Districts to conduct the \$10 million power coordination study authorized by Congress in the IIJA.

**4. Resolution 25-02 – In Support of the Federal Power Marketing Administrations** (adopted February 25, 2025)

- a. That the American Public Power Association (APPA) supports the continued existence and federal ownership of the Power Marketing Administrations (PMAs) and the sale of federally generated hydropower at cost-based rates; and
- b. That APPA opposes any attempts to sell the PMAs, in whole or in part; and
- c. That APPA opposes any attempt to move the PMAs from cost-based rates to market-based rates; and
- d. That APPA supports the foundational concept of “preference power,” meaning that not-for-profit entities have preference over for-profit entities to buy power generated at federal projects.

**5. Resolution 25-03 – In Support of the Beneficiary Pays Principle for the Power Marketing Administrations** (adopted February 25, 2025)

- a. That the American Public Power Association (APPA) supports the “beneficiary pays” principle; and
- b. That federal hydropower customers should not be assigned costs for which they receive no benefits; and
- c. That APPA supports efforts to improve the transparency in accounting for costs to ensure that hydropower customers are not asked to bear costs unrelated to hydropower production; and

- d. That APPA believes that the Power Marketing Administrations have the ultimate authority to set rates for power.

**6. Resolution 25-04 – In Support of Continuing the Tennessee Valley Authority’s Mission** (adopted February 25, 2025)

- a. That the American Public Power Association (APPA) supports continuing the Tennessee Valley Authority’s (TVA) mission to provide electricity, economic development, flood control, and environmental stewardship on a not-for-profit basis in the states of Tennessee, Alabama, North Carolina, Kentucky, Virginia, Mississippi and Georgia; and
- b. That APPA opposes the divestiture of TVA, which would position the federal government to profit off the backs of TVA ratepayers; and
- c. That APPA encourages TVA to continue to strengthen communication with its not-for profit public power customers and the communities they serve to ensure the continued success of the partnership model.

## COMMUNICATIONS

(Includes spectrum, pole attachments, broadband, and Telephone Consumer Protection Act)

1. **Resolution 21-03 – In Support of Broadband Deployment and Local Control of Pole Attachments** (adopted March 2, 2021)
  - a. That the American Public Power Association (APPA) strongly supports the goal of providing every American with access to affordable broadband services;
  - b. That APPA continues to oppose any actions by the Federal Communications Commission (FCC or Commission) that eliminate local control and system oversight over public power pole attachments in contradiction of the language in section 224 of the Communications Act precluding the Commission from doing so; and
  - c. That APPA urges Congress to preserve long established federal law regarding public power utilities' local control and system oversight over pole attachments. Congress should not eliminate the municipal exemption in section 224 of the Communications Act.
  
2. **Resolution 25-07 – Protecting Public Power Communications Systems in the 6 GHz Spectrum Band** (adopted February 25, 2025)
  - a. That the American Public Power Association (APPA) has serious concerns with the Federal Communications Commission's (FCC or Commission) policies allowing unlicensed devices to operate in the 6 gigahertz (GHz) spectrum band that can cause harmful interference to licensed private utility communications networks that are used to control and monitor transmission, generation, and distribution assets to ensure the safe and reliable delivery of power to homes, businesses, and communities; and
  - b. That APPA believes the FCC must continue to conduct real-world testing of automated frequency coordination (AFC) technology to ensure unlicensed devices operating in the 6 GHz band do not cause harmful interference to licensed utility communications networks operating in the band; and
  - c. That APPA would oppose future orders issued by the Commission that would further expand the operation of unlicensed devices in the 6 GHz band without demonstrating harmful interference to utility communications in real-world conditions will not occur.

## TRANSPORTATION

(Includes electric vehicles, drones, and rail)

1. **Resolution: 25-05 – In Support of Electric Vehicles** (adopted February 25, 2025)
  - a. That the American Public Power Association (APPA) supports policies that incent the production and deployment of electric vehicles and charging infrastructure, including tax incentives, federal funding, and a robust national vehicle emissions standards program that incorporates state authorities, and improving average fuel economy standards for cars and light-duty trucks; and
  - b. That APPA believes public power has an important role to play in supporting transportation electrification, while maintaining affordable and reliable electricity for consumers; and
  - c. That federal support for transportation electrification should recognize the role of public power and electric utilities, by requiring appropriate consultation ahead of charging infrastructure deployment, and ensuring that public power utilities remain eligible for federal grants to deploy charging infrastructure, as well as opportunities to partner with the federal government on transportation electrification research, development, and deployment projects; and
  - d. That APPA believes that since transportation electrification needs will be unique across regions, states, and communities, that federal efforts to support transportation electrification must maintain and uphold public power’s local control and decision-making authority regarding EV programs, including rates and incentives.
  
2. **Resolution 25-06 – In Support of Safe and Effective Drone Use by Public Power Utilities** (adopted February 25, 2025)
  - a. That the American Public Power Association (APPA) recognizes the value that unmanned aircraft systems (UAS or drones) provide in ensuring electric reliability; and
  - b. That APPA strongly supports the Federal Aviation Administration, Department of Transportation, and other relevant federal agencies continuing to create regulatory frameworks that allow UAS to safely reach their full potential; and
  - c. That APPA supports Congress and federal agencies directing and developing rulemakings in support of drone operation for beyond the visual line of sight (BVLOS) and extended visual line of sight (EVLOS) operations. APPA recognizes that BVLOS and EVLOS are vital in ensuring worker safety, reduced inspection costs, and more effective disaster recovery efforts; and
  - d. That APPA supports continued federal, state, and local efforts to protect energy infrastructure from drone misuse.

**NATURAL GAS**  
**(Includes pipelines and CFTC)**

**1. Resolution 22-03 – Addressing Acute Natural Gas Supply Scarcity and Price Spikes**  
(adopted March 1, 2022)

- a. That the American Public Power Association (APPA) supports the recommendations relating to the protection of natural gas production and delivery infrastructure against extreme cold weather included in the November 2021 report prepared by the Federal Energy Regulatory Commission (FERC) and North American Electric Reliability Corporation (NERC) concerning the February 2021 Winter Storm Uri event (FERC- NERC Report); namely that: (1) Congress, state legislatures, and regulators with jurisdiction over natural gas production, gathering, processing, and transportation facilities should require those facilities to have cold weather preparedness plans; and (2) natural gas production, gathering, and processing facilities should consider implementing measures to protect against freezing and other cold-related limitations; and
- b. That APPA pledges to work with NERC, FERC, and other industry stakeholders as they develop requirements that: (1) include reasonable processes for identifying and protecting critical natural gas infrastructure loads from firm load shedding and/ or restricting such loads from participation in demand response programs; and (2) enhance reasonable winterization for electric generation facilities where not otherwise already implemented; and
- c. That APPA supports federal legislation that would allow federal authorities to cap the price at which wholesale sales of natural gas may be made during periods of acute supply shortage or to otherwise limit excessive natural gas wholesale prices.

**2. Resolution 22-09 – Derivatives and Risk Management for Public Power Utilities** (adopted March 1, 2022)

- a. That the American Public Power (APPA) believes that public power utilities have an ongoing and legitimate interest in accessing commodity and commodity derivatives markets to hedge utility operations risks, that the Commodity Futures Trading Commission (CFTC) should not take steps that will unnecessarily burden this ability, and at the very least, that public power utilities should have the same ability to hedge commercial operations related risks as other utilities; and  
That in the case of market manipulation in regional transmission organization markets, APPA recognizes that the CFTC’s expertise in investigating manipulation is invaluable

and encourages the CFTC and Federal Energy Regulatory Commission to continue to work together to prevent manipulation in the energy markets.

**3. Resolution 24-10 – In Support of a Reliable and Affordable Supply of Natural Gas** (adopted February 27, 2024)

- a. That the American Public Power Association (APPA) supports the use of natural gas as public power utilities continue to diversify their generation portfolios and recognizes the importance of a reliable, affordable, and abundant natural gas supply to ensuring a reliable, resilient, and affordable electric power supply for the grid; and
- b. That APPA supports a readily available and affordable supply of natural gas, as well as the pipeline infrastructure necessary to ensure reliable and timely delivery where it is needed; and
- c. That APPA supports higher standards for delivery, notification, and transparency from the natural gas industry, whether the industry adopts and implements those standards voluntarily or through increased government oversight, including but not limited to, the establishment of a natural gas reliability organization, that carries out similar functions in the natural gas business as the North American Electric Reliability Corporation (NERC) does for electric reliability, as proposed by the 2023 North American Energy Standards Board Gas Electric Harmonization Forum Report; and
- d. That APPA will continue to work with the Federal Energy Regulatory Commission (FERC), NERC, and industry stakeholders to increase product and asset availability, price transparency, accountability, and coordination between the natural gas and electric industries to ensure electric reliability; and
- e. That APPA supports federal policies that would streamline federal permitting and siting rules to facilitate the construction of energy infrastructure, including natural gas delivery systems, necessary to provide affordable and reliable electricity.

## **DISASTER RELIEF AND HAZARD MITIGATION**

**1. Resolution 22-06 – Public Power Position on Preparing for, Responding to, and Recovering from Disasters** (adopted March 1, 2022)

- a. That the American Public Power Association (APPA) will continue to work with the Federal Emergency Management Agency (FEMA), Department of Energy, Department of Homeland Security, and other federal agencies to improve preparedness, coordination, communication and understanding between these federal entities, APPA, and utilities, and to streamline the administrative obstacles to procuring assistance during and after a major storm/event; and
- b. That APPA will work with its members, other utility associations, and federal agencies to enhance communication, resource, and information sharing during preparation and recovery from disasters; and
- c. That APPA will continue to educate and encourage all APPA members to sign the APPA mutual aid agreement, and be ready to assist other public power utilities in times of need; and
- d. That APPA calls on Congress to reform the Stafford Act to improve the administration and determination of FEMA grants: to better enable utilities to use federal funds for disaster preparedness, prevention, and system resiliency investments; to expedite federal payments to utilities for both direct disaster responses and mutual aid payments; and to provide adequate federal funding for disaster response.

**2. Resolution 24-13 – In Support of the Fire Safe Electrical Corridors Act** (adopted February 27, 2024)

- a. That the American Public Power Association (APPA) supports and encourages Congress to pass legislation to permit the removal of trees and other vegetation by electric utilities along transmission line rights-of-ways located on National Forest System land without conducting a timber sale or adhering to other burdensome and costly sale or disposal restrictions related to wood waste in these cases; and
- b. That APPA encourages Congress to include such a provision in must-pass legislation such as the Farm Bill, which must be reauthorized in 2024.

**3. Resolution 26-08 – In Support of Reforming FEMA and Preserving the Federal Government’s Role in Disaster Response** (adopted February 24, 2026)

- a. That the American Public Power Association (APPA) continues to believe that the Federal

Emergency Management Agency (FEMA) plays an appropriate and critical role in assisting communities that are overwhelmed in disaster; and

- b. That APPA strongly supports H.R. 4669, the Fixing Emergency Management for Americans Act of 2025, which includes much needed reforms that would clarify, simplify, and reduce regulatory risk from the process of receiving public assistance. It would also free up those on the ground to make the best use of FEMA's Public Assistance funds.

## CUSTOMER ISSUES

**(Includes the Low Income Home Heating Assistance Program and COVID-relief legislation)**

**1. Resolution 21-04 – The Need for a Strong Federal Response to the Economic Crisis Caused by the COVID-19 Crisis Pandemic** (adopted March 2, 2021)

- a. That the American Public Power Association (APPA) believes that Congress should immediately provide an emergency \$10 billion supplemental appropriations for the Low Income Home Energy Assistance Program increase income thresholds for eligible households, and increase the amount of funding that can be used for administrative expenses to ensure that these funds go to the households that need this critical relief; and
- b. That APPA believes that the Federal Emergency Management Administration should move swiftly to reimburse public power utilities for the costs of emergency protective measures in response to the COVID-19 pandemic, including by approving the costs for steps taken by public power utilities to ensure the life and safety of public power workers and customers; and
- c. That APPA believes that federal agencies, including the Departments of Treasury and Housing and Urban Development, should work to ensure that utility customer relief programs benefit all customers, including public power utility customers; and
- d. That APPA believes that Congress should treat public power utilities the same as other employers by granting them payroll tax credits to offset the cost of federally mandated emergency paid sick leave and emergency paid family leave; and
- e. That APPA believes that Congress should help state and local governments reduce the cost of existing debt by immediately reinstating the ability to issue tax-exempt advance refunding bonds.
- f. That the American Public Power (APPA) supports the Low Income Home Energy Assistance Program (LIHEAP) as a critical lifeline to vulnerable utility customers; and
- g. That APPA calls on the Congress to adequately fund LIHEAP, up to the \$5.1 billion authorized to be appropriated for the program.

**2. Resolution 24-01- In Support of the Low Income Home Energy Assistance Program** (adopted February 27, 2024)

- a. That the American Public Power (APPA) supports the Low Income Home Energy Assistance Program (LIHEAP) as a critical lifeline to vulnerable utility customers; and
- b. That APPA calls on the Congress to adequately fund LIHEAP, up to the \$5.1 billion authorized to be appropriated for the program.

## **PUBLIC POWER BUSINESS MODEL AND SERVICE TERRITORY**

### **1. Resolution 21-02 – Regarding Federal Involvement in Service Territory Disputes (adopted March 2, 2021)**

- a. That the American Public Power Association (APPA) strongly supports the rights of public power utilities to provide electric service within their corporate limits and adjacent urban growth areas.
- b. That APPA strongly opposes any legislation that would do any of the following:
  - i. Preempt state annexation laws and home rule provisions as provided for by some state constitutions;
  - ii. Prohibit the condemnation of electric cooperative territory when that territory is annexed by a municipality;
  - iii. Mandate a level of compensation to the cooperative that would render the service territory acquisition uneconomic and discourage the city from exercising its right to serve annexed areas;
  - iv. Prevent a municipality from franchising an alternative supplier to compete with the electric cooperative, or prohibit the municipality from collecting a franchise fee from a cooperative as a condition to operate within the city limits;
  - v. Mandate a new review and/or approval process for territory disputes irrespective of existing state laws or constitutional provisions; and
  - vi. Override or restrict, in any way, any local or state rules, regulations, ordinance, constitutional provisions or laws that have been established by a public body as a matter of public interest that govern the ability of public power utilities to serve all customers in their corporate limits and adjacent urban growth areas.

### **2. Resolution 22-07 – In Support of Protecting the Public Power Business Model (adopted March 1, 2022)**

- a. That the American Public Power Association (APPA) believes that decisions about the provision of critical utility services should be fully informed, fully transparent, and be made by the community without undue outside interference; and
- b. That APPA strongly believes the federal government should not encourage, pressure, or otherwise incentivize states and localities to privatize public facilities, the cost of which would ultimately be paid by residents and business; and
- c. That APPA will support communities seeking to initiate, expand, or maintain control over the provision of power in their communities by informing stakeholders and by

opposing any effort to impose pressure to privatize, whether by Executive Order, federal regulatory changes, or federal legislation.

## WORKFORCE ISSUES

1. **Resolution 22-10 – Federal Support for Utility Workforce Development Efforts** (adopted March 1, 2022)
  - a. That the American Public Power Association (APPA) applauds the recognition of the need for expertise in energy workforce development or apprenticeship programs of states or units of local government as one of the qualifications to serve on the 21st Century Energy Workforce Advisory Board, a criterion for which public power utilities have unique expertise; and
  - b. That APPA supports efforts to expand workforce training opportunities and resources for the electric utility sector, including efforts aimed at K-12, vocational, and college education and training; and
  - c. That APPA urges Congress and the federal government to ensure the eligibility of local governmental entities in the workforce activities anticipated under any legislation, new programs, or recommendations; and
  - d. That APPA calls on Congress and the federal government to ensure continuing education and apprenticeship programs for electric utility employees are eligible to receive federal workforce development funding and support