

Craig Cano: Welcome to Open Access, I'm Craig Cano. Joining me today is Commissioner Bernard L. McNamee who will leave FERC on September 4 after serving with distinction since December 2018. Welcome back to Open Access, Commissioner.

Commissioner McNamee: Thank you, it's great to be here.

Craig Cano: Now Commissioner, prior to coming to FERC you held a number of positions at the Department of Energy, and while in private practice represented clients before state public utility commissions. So, you were very well versed in energy matters and their regulation. But was there something that surprised you, or that you did not expect, about the job of a FERC Commissioner?

Commissioner McNamee: Well as you mentioned, I did spend a number of years in private practice, over nine years representing electric and gas utilities, and you know my time at the Department of Energy working on energy issues, and my time on Capitol Hill working for Senator Cruz on energy issues. I was familiar with many of the issues that would come before FERC and that confront the energy industry. But getting to FERC is a totally different experience, and being a Commissioner was really both an exciting intellectual challenge and also, you know, a lot of fun. But the thing I think that was most shocking when I got to FERC was just the sheer number of orders that we issue. You know in 2019, my first full year on the Commission, we issued 941 orders, and so far this year, right into August, we've issued over 700 orders. So, the sheer volume is amazing, but at the same time I found that fine because I really like to work hard.

Craig Cano: While you've been here, the Commission has tackled numerous important issues - the approval of several new LNG facilities, revisions to FERC's ROE methodology and PURPA reform, just to name a few. In your eyes, what was the most important action that the Commission took during your tenure, or what decision are you particularly proud of?

Commissioner McNamee: Well, from my perspective, for every party that comes before the Commission their issue is the most important. And I try to approach each case that comes before us with that in mind, trying to recognize that we have to take each and every case that comes before us and the arguments that are made as being the most important arguments made, the most important issue for those parties. So, I try to do that every time I look at a case that comes before us in an order that we issue. But as you mentioned there were some big issues of general applicability, or that made a big impact that I definitely felt were important that I found that I enjoyed working on and I'm proud of. First of all, as you mentioned, LNG export facilities. Before I got to the Commission, for two years no LNG export facility had been approved. After I got here, I dug into the law and the facts and was able to work with Commissioner LaFleur and the Chairman, and we came up with a compromise. And as a result, we've been able to approve 14 LNG export facilities.

And I think that's something is very good for the American people. With the abundance of natural gas that we have, being able to build those facilities ultimately will result in billions of dollars investment, you know thousands of new jobs, and it will also give new policy tools to American elected officials in dealing with other countries because of the ability to use American energy in order to help influence events and support our allies and friends.

I'm also and proud of the work we did to modernize PURPA. PURPA is an important law passed by Congress, and it was appropriate to modernize it to deal with the realities of today. And I'm proud of what we were able to do with that. And then of course I'm very proud of what we've been doing in focusing on the various RTOs and ISOs to help ensure the efficient functioning of the electric markets.

So, I look back to my time and I'm proud of the things I got to work on, and I feel very fortunate that I was able to be a part of it.

Craig Cano: Maybe a little bit on the flipside though, as you leave the Commission, is there any disappointment or regret about something you weren't able to accomplish or resolve during your time here? And, what might that be?

Commissioner McNamee: Well one always wishes that you had more time. More time to fine-tune orders, more time to work through complex issues that are facing the Commission. But overall, I look back at my time on the Commission and I'm pleased at the good work that my fellow Commissioners, my staff, the staff the Commission and I have been able to accomplish.

Craig Cano: What impressed you most about working at the Commission?

Commissioner McNamee: The people. The staff of the Commission are just incredibly hard-working and smart. The parties, their lawyers, the economists, the other professionals you know, inside the building and in the regulated industries, and the interested parties. The people have just been fantastic and it's always very fulfilling to work with so many intelligent, hard-working and interesting people.

Craig Cano: So, when you look back over your career what will you remember most about your time at the Commission, and what do you hope others will remember about you as a Commissioner?

Commissioner McNamee: Once again, I'll remember the people: my fellow Commissioners, my personal staff, the staff the Commission. It's been a real honor to work with each and every one of them. And I'm also going to look back with fond memories about the intellectual challenges. The issues that come before FERC are very interesting from legal issues to jurisdictional issues, just factual weight issues. And working through these is been really fulfilling.

And then in terms of what I hope people remember about me, it's that I focused on the law and the facts. I tried to always look at each case individually, look at what was presented before me and tried to make sure that those decisions were just based on what was presented, the law and the facts, and separating out other extraneous issues that I think that weren't necessarily to be considered in trying to make sure that we just came to good solid decisions.

Craig Cano: Now Commissioner as we know, you've had a long, broad experience in public service. I'm wondering do you have any advice for someone considering a career in public service?

Commissioner McNamee: Well half of my career has been in public service whether it was with governors' offices, state attorneys general's offices, on Capitol Hill, US DOE and now

FERC. All those have been incredibly fulfilling. And it hasn't been continuous; you know I've spent time in the private sector representing clients at law firms and then going into public service then back into the law firms. And what's been great about that is the perspectives you get about, you know, the interests that happen, and the different perspectives of what people in government have to deal with and the challenges they have, the challenges that private-sector companies have in what they have to deal with. And I've always tried to bring all those things together to have a better understanding and to make better decisions.

And I think that I encourage others to go into public service, no matter where they are in their career. And I think that the important thing to learn in public service, and something I've tried to learn in my various positions, is that public service is just that: It's a public service. You are a public servant. And the goal is to help the elected officials or the appointed officials be able to achieve the policy goals that the people, the American people, or the states have represented them to achieve. And I think that's one of the great fulfilling aspects of public service, is being able to help those who are representing the people fulfill their policy goals.

Craig Cano: Well I guess my final, and the obvious question is: What's next for Bernie McNamee?

Commissioner McNamee: Well, I plan to take some time off to spend with my family and then I'm going to begin looking for the next job. I expect that I'll continue to work on energy issues from both legal and policy perspectives into the future, but for right now, I'm just trying to make sure I keep focused on the work of the Commission all the way up to the end. Looking forward to spending that time with the family, and I look forward to whatever the next chapter of my life is. But it's been a great opportunity to work here at FERC, and I've truly enjoyed it.

Craig Cano: Commissioner thanks so much for taking the time to talk with us today, and I want to wish you all the best as you take the next step in your journey wherever it leads.

Commissioner McNamee: Thanks so much.

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