

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515–6143

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<https://oversight.house.gov>

March 16, 2022

The Honorable Allison Clements
Commissioner
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Dear Commissioner Clements:

We are conducting oversight of your potential conflicts of interest as a Commissioner for the Federal Energy Regulatory Commission (FERC). Based on a review of Office of Government Ethics (OGE) public records, your current filings with OGE fail to disclose your spouse’s connection with the industry you oversee. Your spouse, Ray Henger, is currently employed by Sol Systems, LLC (Sol Systems)—a renewable energy company—but the disclosures you have made to OGE make no reference to this connection. Your position as a regulator of your spouse’s industry requires you to identify matters that may implicate your personal financial interests and make the appropriate recusals as required by law.¹ This lack of transparency is particularly troubling given recent efforts by FERC to block natural gas pipelines—making the United States more dependent on Russian energy.²

Public records indicate Sol Systems hired Ray Henger on September 16, 2021, as the Chief Development Officer to help Sol Systems “grow its North American footprint to meet the growing demand for integrated renewable energy infrastructure and community impact solutions.”³ Washington, D.C.-based Sol Systems is a “leading national solar energy firm...[and] has developed and/or financed over 1 [gigawatt] of solar projects valued at more than \$1 billion[.]”⁴ Sol Systems is a member of the board of the Solar Energy Industries Association, which has petitioned or communicated with FERC regarding matters regulated by FERC.⁵

¹ See, e.g., 18 U.S.C. § 208.

² Fact Sheet, Fed. Energy Regulatory Comm., Updated Pipeline Certification Policy Statement (PL18-1-000) (Feb. 17, 2022); see also Editorial Board, *Biden’s Regulators Empower Putin*, WALL ST. J. (Feb. 18, 2022).

³ Sol Systems Press Release, *Sol Systems Hires to Scale North American Footprint*, Sept. 16, 2021, available at <https://www.globenewswire.com/news-release/2021/09/16/2298632/0/en/Sol-Systems-Hires-to-Scale-North-American-Footprint.html>.

⁴ *Id.*

⁵ See, e.g., *PJM Interconnection, L.L.C.*, ER21-2582-000, Comments of the Solar Energy Industries Association and the American Clean Power Association, Federal Energy Regulatory Commission (Aug. 20, 2021).

According to your Ethics Agreement filed August 8, 2020, with OGE, you identified your spouse as working with Sustainable Power Group, LLC (sPower).⁶ In the Ethics Agreement, you agreed to “not participate personally and substantially in any particular matter that to [your] knowledge has a direct and predictable effect on [your] spouse’s compensation or employment with sPower,” unless obtaining a written waiver. However, no records indicate you have made similar commitments regarding his position with Sol Systems. Additionally, a Certification of Ethics Agreement Compliance dated March 5, 2021, indicated you received a waiver pursuant to 18 U.S.C. § 208 on January 15, 2021, regarding a financial interest in the “parent company of sPower” which you identified as your “spouse’s employer.”⁷ The OGE website did not have a record of a similar waiver regarding your spouse’s connection with Sol Systems.

As a FERC Commissioner, your failure to identify your connection with the green industry is troubling. According to the *Wall Street Journal*, FERC has recently taken steps to block U.S. natural gas pipelines. At the same time the Biden Administration “is trying mightily to deter a Russian invasion in Ukraine ... [its] regulators are working to give Vladimir Putin more leverage over global energy supplies.”⁸ These two government actions are as the *Journal* stated: “bizarre and contradictory.”⁹ Instead of helping struggling Americans at the gas pump, the White House appears to be spending billions of dollars on “green” technology.¹⁰ While transitioning to renewables is a fine goal, until it comes to fruition the U.S. and Europe are padding the pockets of Putin to the severe detriment of the Ukrainian people.

Your spouse’s employment with Sol Systems—which participates in industry groups that petition FERC—and your apparent failure to disclose or seek a waiver for these connections requires further information from you.

Please provide the following documents and information no later than March 30, 2022:

1. All recusal documentation you have made regarding your position at FERC, including any recusals related to Sol Systems;
2. All documents and communications, from January 20, 2021 to present, referring or relating to any waiver sought, including all documents referring or relating to the waiver granted for the parent company of sPower and/or Sol Systems;
3. All document and communications, from January 20, 2021 to present between you and the FERC Designated Agency Ethics Official or any ethics attorney; and

⁶ Ethics Agreement for Allison Clements Henger, Office of Government Ethics (August 8, 2020), *available at* <https://www.oge.gov/web/oge.nsf/Officials%20Individual%20Disclosures%20Search%20Collection?OpenForm>.

⁷ Certification of Ethics Agreement Compliance for Allison Clements Henger, Office of Government Ethics (March 5, 2021), *available at* <https://www.oge.gov/web/oge.nsf/Officials%20Individual%20Disclosures%20Search%20Collection?OpenForm>.

⁸ *Supra*, n. 2.

⁹ *Id.*

¹⁰ Joseph Choi, *Psaki says calls to enhance US oil production are a ‘misdiagnosis,’* THE HILL (Feb. 27, 2022).

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4. All documents and communications, from January 20, 2021 to present, referring or relating to Sol Systems and/or sPower.

To ask any questions about this request, please contact Committee staff at (202) 225-5074. The Committee is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” also under House Rule X.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Ralph Norman
Ranking Member
Subcommittee on Environment

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Ro Khanna, Chairman
Subcommittee on Environment