

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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<https://oversight.house.gov>

May 8, 2023

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

Dear Commissioner Clements,

The Committee on Oversight and Accountability is continuing its investigation into your potential conflicts of interest as a Commissioner for the Federal Energy Regulatory Commission (FERC). Reporting indicates you have remained closely engaged with your former employers and connections in the green energy sector.¹ Your position as a regulator on an independent commission necessitates transparency regarding outside group influence in policy decisions. The Committee is concerned your connections to the industry FERC regulates may violate federal laws and regulations regarding conflicts of interest,² and run contrary to FERC's mandate under the Federal Power Act.³ Committee Republicans previously wrote you concerning your lack of transparency regarding your personal financial interests and appropriate recusals as required by law, to which you failed to adequately respond.⁴ As such, we reiterate prior requests and make new requests for documents.

Last Congress, Committee Republicans expressed concerns about public records related to your spouse's connections with the industry you oversee.⁵ At that time, you failed to disclose or seek a waiver for the connection to your spouse's then-employer, Sol Systems, a renewable energy company with ties to industry groups that petition FERC.⁶ Since the Committee's letter, your spouse has become CEO of Copia Power, another energy company which you regulate.⁷ It is unclear whether you have recused yourself from FERC decisions related to your spouse's new position or the industry writ large. Your ability to separate your personal interests from FERC's regulatory duties remains unclear. Public documents have also revealed that you briefed funders

¹ See, e.g., Kevin Mooney, *Congressional Inquiry Into Potential Ethics Lapses, Green Activism in Federal Commission Marks One Year Anniversary*, REALCLEARENERGY (Mar. 20, 2023).

² See, e.g., 18 U.S.C. § 208, 5 C.F.R. § 2635.402, 5 C.F.R. § 2635.502.

³ 16 U.S.C. Ch. 12 (et seq.).

⁴ Letter from James Comer, Ranking Member, H. Comm. on Oversight and Reform, and Ralph Norman, Ranking Member, Subcomm. on Environment, to Allison Clements, Commissioner, Federal Energy Regulatory Commission (Mar. 16, 2022); See, e.g. 18 U.S.C. § 208.

⁵ *Id.*

⁶ *Id.*

⁷ Copia Power, *Ray Henger*, available at <https://www.copiapower.com/ray-henger> (last visited Apr. 13, 2023).

for partisan organizations on “FERC priorities” in a meeting on January 10, 2022⁸—raising even more questions about your ability separate your duties as a FERC commissioner from your personal relationships.

In February 2020, you signed an ethics agreement agreeing to recuse yourself from the interests of your past employers.⁹ Yet, in December 2021, an official from Energy Foundation, your former employer, texted you about participating in a funder event.¹⁰ “Not sure if this is inappropriate to ask or not-would you be interested/willing/available to talk with funder group about FERC 2022 priorities,” wrote fossil fuels program director Meredith Wingate, regarding your possible attendance.¹¹ Wingate later thanked you for speaking at the event, saying “..your comments were very interesting...helpful in focusing our group on ways that we can support successful advocacy at FERC.”¹² The level and nature of access former employers have had to your office warrant an evaluation of the ethical disclosure documents associated with your current position. In addition to knowing your recusals related to your spouse’s green energy companies, the American people deserve to know whether you have recused yourself from voting on matters of interests to the Energy Foundation or any of your former energy related former employers, including Goodgrid LLC and the Natural Resources Defense Council.

The Committee is again seeking to learn the waivers or disclosures you have sought regarding your spouse’s ties to the energy industry which may compromise FERC’s mission. Please provide the following documents and communications for the time period from December 8, 2020, to present unless otherwise indicated, no later than May 22, 2023:

1. All recusal and/or disclosure documentation you have made regarding your position at FERC.
2. All documents and communications referring or relating to any ethics waiver you have sought or received at FERC, including waivers pursuant to 18 U.S.C. § 208.
3. All documents and communications referring or relating to Ethics Agreements filed with Office of Government Ethics.
4. All document and communications between you and the FERC Designated Agency Ethics Official or any ethics attorney; and

⁸ Inst. for Energy Research, *FERC FOIA Documents: Consultation and Correspondence, Clements and former employers* (last visited Apr. 6, 2023); Thomas Catenacci, *Biden admin official privately briefed former employers' donors on energy policy, text messages show*, FOX NEWS (Oct. 12, 2022).

⁹ U.S. Office of Government Ethics, *Allison Clements Henger Certification of Ethics Agreement Compliance* (Signed Feb. 26, 2020).

¹⁰ *Supra*, fn. 7.

¹¹ *Id.*

¹² *Id.*

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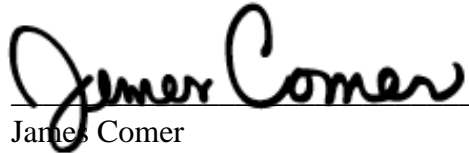
5. All documents and communications, referring or relating to Sol Systems and/or sPower, Copia Power, Energy Foundation, Goodgrid LLC, and Natural Resources Defense Council; and
6. All public and private calendars.

Additionally, please make arrangements to schedule a briefing with Committee staff on this matter as soon as possible, but no later than May 15, 2023.

To schedule the briefing, arrange for delivery of responsive documents, or to ask any related follow-up questions, please contact the Committee on Oversight and Accountability Majority staff at 202-225-5074. Attached are instructions for producing the documents and information to the Committee.

The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate, “any matter” at “any time” under House Rule X. Thank you for your attention to this important matter.

Sincerely,



James Comer
Chairman

Committee on Oversight and Accountability



Pat Fallon
Chairman
Subcommittee on Economic Growth,
Energy Policy, and Regulatory
Affairs

cc: The Honorable Jamie B. Raskin, Ranking Member
Committee on Oversight and Accountability

The Honorable Cori Bush, Ranking Member
Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs

The Honorable Willie L. Phillips, Chairman
Federal Energy Regulatory Commission

The Honorable James Danly, Commissioner
Federal Energy Regulatory Commission

The Honorable Mark C. Christie, Commissioner
Federal Energy Regulatory Commission