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The Senate FERCEd Us

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Robert Powelson, the newly-confirmed member of the Federal Energy Regulatory Commission, wasn't clear when he was referring to when he said that citizens who fight pipeline projects are engaged in a "jihad" at an industry conference in March. He may have been referring to the Standing Rock Sioux and all the other water protectors who withstood attack dogs, water cannons in sub-freezing temperatures, and countless other assaults in North Dakota last year. Perhaps he was referring to the Sisters of Loretto who successfully fought off the Bluegrass pipeline in Kentucky. He might have meant the residents of Pennsylvania and New Jersey who have flooded the FERC docket for the proposed PennEast pipeline with detailed comments, many from experts who have weighed in on everything from vulnerable species to sinkholes.

He could have been thinking of any of them and so many others. More likely, he was thinking of all of them. No matter. What Mr. Powelson calls a "jihad", a term he uses as a pejorative which is concerning and revealing in its own right, is otherwise known as civic participation. That one of our two new FERC commissioners has so much disdain for it is disheartening.

Even more disheartening is the way he and Trump's other nominee, Neil Chatterjee, were approved by the Senate on Thursday.



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Every U.S. senator has heard from coalitions and networks representing hundreds of organizations for nearly a year via letters, lobby visits, social media, petitions, protests, sit-ins and many of the other tactics that comprise the civic participants' toolbox, the same tools former Congressional staffers thought were so effective when the Tea Party used them that they wrote a guide about them and started the Indivisible movement. The underlying message has remained the same. Investigate abuses of power at the Federal Energy Regulatory Commission. When Trump officially nominated Powelson and Chatterjee, the Senate became the focus of the campaign and a second message was added. Reject all FERC nominees until you have addressed the abuses of power at the Commission.

As the healthcare vote, Senator McCain's terrible diagnosis, and the parade of Trump disasters added layers of complication to the Senate recess schedule, it became harder to predict when the vote might occur and easier to believe that it might not happen until after Labor Day.

A story in Platts on Thursday morning made it clear the vote was imminent. Trump had officially named two nominees to fill the remaining FERC vacancies, including the one Democrat needed to maintain parity on the Commission. Prior to the addition of Powelson and Chatterjee, FERC's only commissioner, Cheryl LaFleur, had been nominated by a Democratic president. The parity issue had been the sticking point for Democratic leaders.

When the news hit, people across the country took to their phones to call senate offices. Representatives of the activist network, Beyond Extreme Energy, staged a sit-in in Chuck Schumer's office that led to the arrests of seven protesters who held up a banner and refused to move. Gauging the irritation in the voices of some staffers we called, there was no mistaking that our message was getting through.

Sometime after about 3:30, we started hearing from staffers that the Senate had recessed and would not return until September 5th. We called other offices to confirm it and got mixed messages. Some said the session had not ended, but that recess would begin as soon as it did and the vote would not take place

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until after Labor Day. Some offices gave us both messages. One staffer was quite testy, insisting that the recess had begun. Only one said that the Senate was still in session and the vote could still occur. We kept calling.

Just after 6:00, Lisa Murkowski asked to dispense with the quorum call, then said, "...I ask consent that the Senate vote on the nominations en bloc with no intervening action or debate..." and it was done.

The C-SPAN 2 camera trained on Ms. Murkowski showed her standing at the center of an arc of empty desks. It's hard to know which Senators were present and which were not. We're asking, but may never get a response.

They weren't naming a post office. They were appointing two controversial nominees to a controversial commission. The people who had been calling all day were the ones who, for such a long time throughout their own fights to stop pipelines in their communities and as part of the FERC campaign, have done everything within their power to make their voices heard.

They've shown up at public hearings that are scheduled at odd hours in odd locations forcing them, at times, to miss work so they can be herded into an ante room, given a number, and herded one more time into an empty room with a FERC staffer and a tape recorder into which they must deliver their "public" comments.

They've attended open houses where the pipeline company du jour and regulators staff tables, sometimes with temp workers who know little, to address questions above the din of the crowd, set up in such a way that they can barely hear the answer the person across from them is providing and guarantees that people at other tables will not hear what they've been told. Meanwhile, a gaggle of conspicuous identically-dressed men hover around the snack table. They're there to create a chilling effect.

They've commented over and over again on the FERC docket. They've filed motions to intervene. They've responded to every

unsubstantiated claim the company or its supporters submit to the docket.

They’ve written letters to the editor. They’ve posted yard signs in their lawns. They’ve marched. They’ve gone to public meetings to call on their municipal leaders to pass resolutions against the pipeline. They’ve disrupted. They’ve resisted.

They are model citizens. And yesterday’s vote is a perfect example of how model citizens are treated by their government. It came as no shock to them. They’re used to it.

Mr. Powelson is surely eager to start using his brand new rubberstamp to start approving lots of pipelines. He’d better get used to all those “jihadists”. He’s going to create a lot more of them.

Oh yeah, one more thing about them. They vote.

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