

The 2020 Election and how that impacts Energy and Infrastructure policy during the remainder of Trump's first term

Legislative branch

1. House- increased oversight and hearings.
2. Senate- act as backstop for perceived extreme policy. Confirmation of administration nominees and judges.
3. There is a lot of proposed energy legislation in both Houses; key issues include pipelines, electric storage, and extension of federal credits for renewable energy. But compromise may be tough in the current climate with positions sharpening in an election year. And if Dems feel confident of their chances in the Senate and presidential elections, they will likely wait until after the election to move legislation containing their "wish list".

Administration

1. Strong focus on regulatory reform by rulemaking and informal guidance. Areas of focus will include be (a) finalizing proposed rules such as PURPA (FERC), coal ash (EPA), and methane standards for oil and gas facilities (EPA); modernization of CWA 401 certification rules (EPA); various PHMSA pipeline and LNG safety rules. (Note that time will of the essence, as any rulemakings issued in the last months of an administration can be reversed by simply majority vote of Congress under the Congressional Review Act.)
2. Push for increased infrastructure (5G, pipelines, transmission)
3. Strong focus on DCEI
4. Cyber
5. NEPA changes (leg going nowhere so identifying exec action such as finalization of proposed updates to CEQ NEPA regulations)
6. Broad review of capacity markets, price signals, various state/federal participants
7. Aggressive advocacy in the courts to lock-in favorable judicial positions before any possible change in administration—and abandonment of those positions--as a result of the 2020 election

States

1. Will continue to flex jurisdictional muscle. For The left it's to slow down or stop projects that they deem environmentally problematic. In other cases like Texas, maintaining independence from FERC jurisdiction is a top priority

Outside stakeholders

1. Climate will be important for galvanizing the base of the political left. Polling indicates that middle America thinks of climate change as important—but not a deciding factor for their vote. For the political left, however, climate change policymaking is a moral imperative that will get some folks to go to the polls.
2. Liberal environmentalists will continue their aggressive litigation strategy. This accomplishes three goals. First, create legal precedent that hinders traditional baseload and baseload Infrastructure; second to try to slow things down in court until they have an opportunity to win back the WH; third, its a wedge issue for fundraising purposes.
3. Traditional baseload will continue to try to highlight certain resilient attributes (EMP, Cyber) and point out renewable vulnerabilities (lack of transmission, frequency response), highlight incorrect price signals and push for federal intervention in some cases (NY)

Legal matters

1. Virtually every final administrative action taken by the Trump Administration in the energy space is the subject of pending litigation.
2. Priority #1 will be the ACE rule. But beyond that there are a number of others that are or could be pending by the end of Trump's first term, many of them relating to FERC, including the following:
 - a. Challenge to FERC's assertion of broad authority over behind-the-meter electric storage
 - b. Legal challenges to RTO/ISO fuel security initiatives
 - c. Use of eminent domain in NGA certifications of pipelines serving export demand