



## Senate of Pennsylvania

April 21, 2021

The Honorable Tom Wolf  
Governor  
Commonwealth of Pennsylvania  
225 Main Capitol Building  
Harrisburg, PA 17120

Governor Wolf,

We are writing to you with regard to your recent appointment to the Pennsylvania Public Utilities Commission (PUC). As you are aware, the Senate of Pennsylvania is currently reaching the deadline to approve or deny your recent appointment. Confirmation of gubernatorial appointments is a constitutional duty we take very seriously. With regard to this specific appointment, the Senate Majority has serious issues with your recent actions related to the Regional Greenhouse Gas Initiative (RGGI).

The Constitution of Pennsylvania is more than just words on a page to all of us. We consider it the operations manual for the entire Commonwealth. Three co-equal branches of government are the foundation to both equal representation and checks and balances, that have faithfully served Pennsylvanians since our inclusion into the Union in 1787.

For months, the General Assembly has been expressing concern regarding your excessive use of executive orders and the rulemaking process to achieve substantial policy changes rather than vetting them through the legislative process set forth in the Constitution.

In our view, one of the most brazen executive actions was your unilateral inclusion of Pennsylvania into RGGI without legislative approval. The Independent Regulatory Review Commission (IRRC) even went as far to call for a one-year moratorium on your actions and questioned what authority you possess to enter into this pact without legislation. To that point, the Commonwealth entered into other multi-state agreements, such as the Chesapeake Bay Commission, the Delaware River Basin Commission and the Susquehanna River Basin Compact only after the General Assembly passed authorizing legislation that the Governor signed into law.

Further, three Department of Environmental Protection (DEP) advisory panels have rejected the proposal, yet the Environmental Quality Board (EQB) still processed with developing regulations associated with RGGI. It is our understanding that the EQB plans to advance these regulations this summer, despite a clear constitutional requirement for involvement by the General Assembly.

In lieu of this subversion of the constitutional process, and short of arguing this in a judicial setting, we are presented with very few options to reinstitute proper checks and balances in this particular situation. Therefore, we will be exercising our legislative authority to reject all future PUC nominees until you withdraw your executive order related to Pennsylvania's inclusion in RGGI.

We do not take this position lightly. The PUC has significant oversight in energy and rate regulation, and they have already actively participated with the EQB by engaging PJM Interconnection *"to promote the integration of this program in a manner that preserves orderly and competitive economic dispatch within PJM and minimizes leakage."*

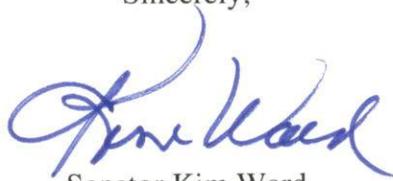
If you believe that RGGI has value to the Commonwealth, then you should be confident to have it vetted properly through the legislative process. The current path to circumvent this process betrays both proper representation of our citizens, and any merit to this program that you may think exists. We are willing to participate in discussing this program through our committees and on our legislative floor, but we will not sit idly by and watch you ignore the foundations that built this state.

Thank you for your time and consideration in this matter. We are available to engage further on this issue if you so choose; however, until we can reach any agreement with your removal of Pennsylvania from RGGI and submit the compact for deliberation through the General Assembly, we will not be confirming any PUC nominees.

Sincerely,



Senator Jake Corman  
President Pro Tempore  
34<sup>th</sup> District



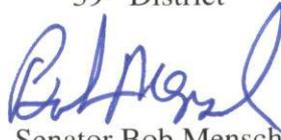
Senator Kim Ward  
Majority Leader  
39<sup>th</sup> District



Senator Patrick Browne  
Appropriations Chair  
16<sup>th</sup> District



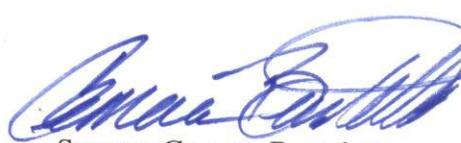
Senator John Gordner  
Majority Whip  
27<sup>th</sup> District



Senator Bob Mensch  
Caucus Chair  
24<sup>th</sup> District



Senator Ryan Aument  
Caucus Secretary  
36<sup>th</sup> District

  
Senator Camera Bartolotta  
Caucus Administrator  
46<sup>th</sup> District

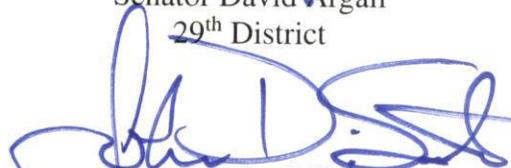
  
Senator Mario Scavello  
Policy Committee Chair  
40<sup>th</sup> District

  
Senator Elder Vogel  
Deputy President Pro Tempore  
47<sup>th</sup> District

  
Senator David Argall  
29<sup>th</sup> District

  
Senator Lisa Baker  
20<sup>th</sup> District

  
Senator Michele Brooks  
50<sup>th</sup> District

  
Senator John DiSanto  
15<sup>th</sup> District

  
Senator Cris Dush  
25<sup>th</sup> District

  
Senator Scott Hutchinson  
21<sup>st</sup> District

  
Senator Wayne Langerholc  
35<sup>th</sup> District

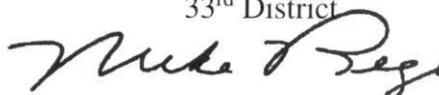
  
Senator Daniel Laughlin  
49<sup>th</sup> District

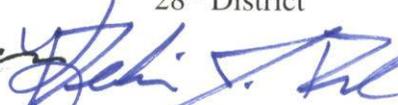
  
Senator Scott Martin  
13<sup>th</sup> District

  
Senator Doug Mastriano  
33<sup>rd</sup> District

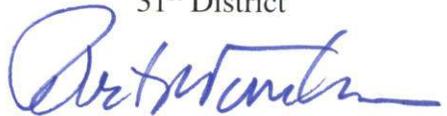
  
Senator Kristin Phillips-Hill  
28<sup>th</sup> District

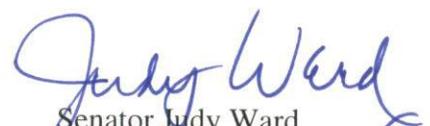
  
Senator Joe Pittman  
41<sup>st</sup> District

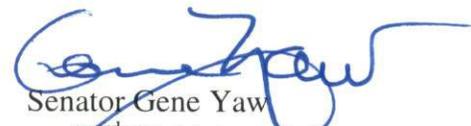
  
Senator Mike Regan  
31<sup>st</sup> District

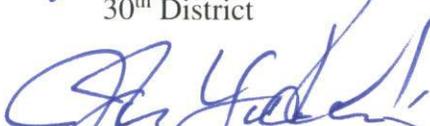
  
Senator Devlin Robinson  
37<sup>th</sup> District

  
Senator Patriek Stefang  
32<sup>nd</sup> District

  
Senator Robert Tomlinson  
6<sup>th</sup> District

  
Senator Judy Ward  
30<sup>th</sup> District

  
Senator Gene Yaw  
23<sup>rd</sup> District

  
Senator John Yudichak  
14<sup>th</sup> District