

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."*

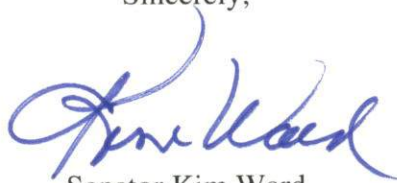
If you believe that RGGI has value to the Commonwealth, then you should be confident to have it vetted properly through the legislative process. The current path to circumvent this process betrays both proper representation of our citizens, and any merit to this program that you may think exists. We 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
34th District



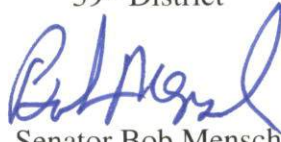
Senator Kim Ward
Majority Leader
39th District



Senator Patrick Browne
Appropriations Chair
16th District




Senator John Gordner
Majority Whip
27th District





Senator Bob Mensch
Caucus Chair
24th District




Senator Ryan Aument
Caucus Secretary
36th District


Senator Camera Bartolotta
Caucus Administrator
46th District

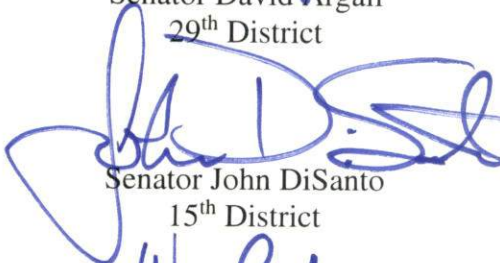

Senator Mario Scavello
Policy Committee Chair
40th District



Senator Elder Vogel
Deputy President Pro Tempore
47th District


Senator David Argall
29th District



Senator Lisa Baker
20th District



Senator Michele Brooks
50th District



Senator John DiSanto
15th District



Senator Cris Dush
25th District



Senator Scott Hutchinson
21st District



Senator Wayne Langerholc
35th District

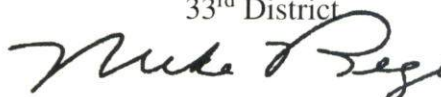

Senator Daniel Laughlin
49th District

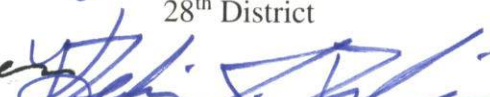

Senator Scott Martin
13th District



Senator Doug Mastriano
33rd District

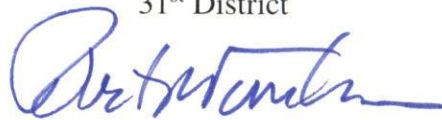

Senator Kristin Phillips-Hill
28th District

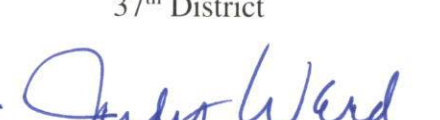

Senator Joe Pittman
41st District

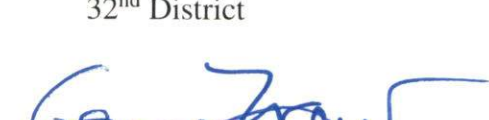

Senator Mike Regan
31st District

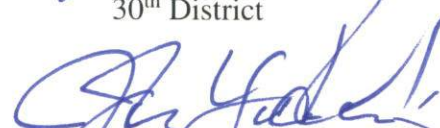

Senator Devlin Robinson
37th District


Senator Patriek Stefang
32nd District


Senator Robert Tomlinson
6th District


Senator Judy Ward
30th District


Senator Gene Yaw
23rd District


Senator John Yudichak
14th District