

From: Adrienne Lotto
Sent: Thu, 10 Apr 2025 22:29:06 +0000
To: Winberg, Steven; Jereza, Catherine; Prochaska, Conner
Cc: Tatulyan, Kevin; Slater, Ashley A.; Aaronson, Scott
Subject: [EXTERNAL] ESCC Industry Government Collaboration

Dear Steve, Conner, and Katie,

Thank you so much for the discussions as of late supporting our efforts to strengthen our industry-government partnership, which you know is critical to grid security.

Threat Landscape

The electric power industry plays a critical role in protecting the North American energy grid from a spectrum of threats that disrupt electric service. Energy security and resilience are the backbone of our economy and a crucial aspect of global competition. Hostile states, criminals, and violent extremists have increasingly identified civilian critical infrastructure as a legitimate target for attacks, underscoring the pressing need to bolster America's cyber and physical resilience. At the same time, natural disasters present a growing challenge for the utility industry at a time of unprecedented energy demand growth, with rising recovery costs and bureaucratic roadblocks that limit our sector's ability to employ common sense mitigation measures that would protect the grid and the American's it serves.

DOE should support a strong utility-industry government partnership on grid security

The utility industry and government, through the Department of Energy (DOE), have a long history of collaboration focused on preparing for, and responding to, national-level disasters or threats to critical infrastructure. Under President Trump's leadership, we have an opportunity to utilize the Electric Subsector Coordinating Council's (ESCC) structure and focus on issues related to security and emergency response, where it has proven to be most effective. DOE should also work with the Department of Homeland Security to ensure industry groups can meet with government agencies to speak candidly about security challenges without fear of public disclosure.

Immediate Action Needed

As you may know, a meeting between industry CEOs, DOE, and other government agencies is tentatively scheduled for June 27th. *Before finalizing preparations for this meeting, industry would like to meet with the Department's political appointees to ensure alignment going forward. This will avoid any missteps in the dialogue and engagement with career level staff within CESER.*

Previously, the ESCC would meet under the protections of CIPAC to ensure any discussions were exempt from Federal Advisory Committee Act (FACA) requirements, including, but not limited to, providing notice in the Federal Register of meetings, allowing public attendance at meetings, and publicly releasing any meeting minutes or statements of conclusion.

Options for Consideration

Several potential solutions exist that can address the current situation and provide FACA exemptions to allow for robust information sharing and collaboration between the ESCC and the Federal government.

1. Reinstate CIPAC—reinstatement of CIPAC by the Department of Homeland Security is the most efficient way to ensure the ESCC and the Federal government can coordinate and share information with the appropriate FACA exemptions.
2. Issuance of New Executive Order—the President could issue a new Executive Order to further his priorities of energy dominance and security, specifically for the Department of Energy, to further coordination with industry through the ESCC as stated in the 2015 FAST Act and would explicitly state the exemption from FACA requirements.
3. Reliance on Existing Executive Order for Exemption—5 U.S.C. Sec. 1009(d) allows for advisory committee meetings to be closed to the public if the President or head of the agency to which the advisory committee reports determines such portion of the meeting may be closed to the public in accordance with 5 U.S.C. Sec. 552b(c)(1) where the meeting is likely to disclose matters that are (A) specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive Order. The Administration would rely on an existing Executive Order to achieve this, e.g., *Establishing the National Energy Dominance Council* Executive Order's Sec. 4(b)(iv) "advise and assist the President in facilitating cooperation among the Federal government and domestic private sector energy partners."

Happy to continue the conversation on these or other potential solutions at your convenience.

Thanks so much,
Adrienne

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