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**From:** POLITICO Pro Energy Whiteboard  
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**Subject:** FERC chief calls for review of agency enforcement work

By Darius Dixon

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FERC Chairman Neil Chatterjee told energy lawyers today the time is ripe for FERC to revisit its policies on enforcement following a string of court rulings that rejected the agency's penalties.

FERC's work to police the energy markets is a critical part of the agency's mission, Chatterjee told the Energy Bar Association, but it had "not come without some controversy."

When companies refuse to pay a fine sought by the agency, FERC takes them to court and to ask judges to approve or deny lengthy orders — without considering much additional evidence. The courts have not decided the merits of those cases, but the string of procedural losses has suggested that FERC leadership reconsider how they craft their penalty decisions before heading to court.

"The courts have rejected FERC's interpretation of de novo review five times under the Federal Power Act," Chatterjee said. "The courts have spoken, and I, for one, am listening."

He added that "the proper scope of de novo review is a matter my colleagues and I need to examine so we can chart a new course that is fair and legally defensible."

Chatterjee also repeated his hope that FERC would revisit its position on the Public Utility Regulatory Policies Act.

PURPA, he said, "often feels like it's out of sync" with today's energy landscape, which is "fundamentally different" from when it was conceived.

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