



August 23, 2019

The Honorable Bruce J. Walker
Office of Electricity
U.S. Department of Energy
Washington, DC

RE: Request for Information on Codes, Standards, Specifications and Other
Guidance for Enhancing the Resilience of Electricity Infrastructure Systems
Against Severe Weather Events

Dear Assistant Secretary Walker,

On behalf of the National Association of State Energy Officials (NASEO) and the 56 state and territory governor-designated energy directors and their offices across the nation, we appreciate and recognize the value of the U.S. Department of Energy's (DOE) Office of Electricity (OE) elevating resilience issues across the electricity, oil, and natural gas system, as well as stressing the criticality of energy infrastructure interdependencies. This is a complex issue with no simple solutions. NASEO and its members have been directly involved in energy emergency preparedness, response, and critical infrastructure resilience since the state energy offices were created in the early 1970's in response to the first oil embargo.

Whereas our concerns in 1973 were limited to weather impacts and fears of fuel shortages caused by countries intending to hurt the United States, the current energy security landscape presents a number of new challenges, including changes in the utilities sector (including restructuring, changes in vertical integration, dramatically expanded roles of third parties regarding both generation and services, the rise of technology, expansion of grid-integrated buildings, the retirement of coal-based generation, expansion of natural gas-based generation, the rise of renewables, etc.), the rise of cybersecurity and domestic terrorism as a concern, the rise of vehicle electrification, the advent of RTOs and ISOs, and state and local policies aimed at resiliency, sustainability, and severe weather adaptation. NASEO has supported the states, the federal government, and industry through these changes and has established itself as a critical partner in energy sector resilience.

NASEO and our members are focused on ensuring that: 1) critical lifelines of electricity, fuels, and natural gas are available to support communities; and 2) proven energy system resilience actions continue to expand and innovate. This means taking steps to "harden" energy infrastructure such as the electric, natural

1300 North 17th Street
Suite 1275
Arlington, Virginia 22209
Telephone: 703.299.8800
www.naseo.org

BOARD OF DIRECTORS

Chair

ANDREW MCALLISTER
California

Vice Chair

DR. LAURA NELSON
Utah

Treasurer

MOLLY CRIPPS
Tennessee

Secretary

JOHN WILLIAMS
New York

Past Chair

ROBERT JACKSON
Michigan

Parliamentarian

WILLIAM (DUB) TAYLOR
Texas

Regional Representatives

JUDITH JUDSON
Massachusetts

DAN BURGESS
Maine

DAVE ALTHOFF
Pennsylvania

MARY BETH TUNG
Maryland

KELLEY SMITH BURK
Florida

RICK BENDER
Kentucky

MARIA REDMOND
Wisconsin

MICHELLE GRANSEE
Minnesota

LAURA RENNICK
Montana

JASON LANCLOS
Louisiana

MICHAEL FURZE
Washington

JOHN CHATBURN
Idaho

Affiliates' Co-Chairs

ELIZABETH BEARDSLEY
U.S. Green Buildings Council

MATTHEW MORRISSEY
Ørsted

Executive Director

DAVID TERRY

General Counsel

JEFFREY C. GENZER

gas, and petroleum distribution systems, and at the same time taking practical actions to improve the resilience of mission critical facilities (e.g., water treatment, police, hospitals, schools that serve as shelters, etc.), transportation systems, and homes. This holistic, cross-sector approach reduces costs and is the best means to mitigate devastating energy-related impacts on rural, suburban, and urban communities resulting from natural disasters.

NASEO maintains relationships with a variety of different partners engaging on security, resilience, and infrastructure system planning. Our strong relationships with OE and the Department's Office of Cybersecurity, Energy Security and Emergency Response (CESER), have served as a platform from which NASEO has engaged with the electricity, oil, and natural gas industries through the Electricity Subsector Coordinating Council, the Oil and Natural Gas Subsector Coordinating Council, and the Energy Government Coordinating Council.

NASEO has facilitated and supported the relationships between State Energy Directors, the federal government, and energy industry partners to support system resilience efforts such as the NARUC-NASEO Comprehensive Electricity Planning Task Force and the NASEO Energy Sector Resilience State Working Group. The working group continues to identify and examine examples of state-led infrastructure hardening and resilience, with a particular emphasis on project feasibility, financing strategies, and replicability.

Continuing in support of comprehensive energy system planning, hardening, and resilience, NASEO supports more targeted energy resilience efforts through the augmentation of energy systems of mission critical facilities, including the Defense Critical Infrastructure (DCI); the interdependency between DCI and surrounding municipalities; local government; emergency services; water and wastewater facilities; and health care facilities, among others.

The holistic approach that NASEO supports for resilience, infrastructure, diverse energy supplies, energy emergency preparedness and response and cyber security, all is predicated on an expanded working relationship between the Federal Energy Regulatory Commission (FERC), DOE and the state energy offices. In addition, while the North American Electricity Reliability Corporation's (NERC) responsibilities are restricted to electric grid reliability, enhanced coordination with states and state energy offices will be required in the future to ensure that policy and regulatory responses recognize mutual concerns.

As it pertains to comprehensive infrastructure resilience, NASEO offers the following recommendations:

- DOE should work with NASEO and the State Energy Directors – who typically have policy and program roles that require a comprehensive view of the energy system – to identify state frameworks and processes that would examine the electricity, natural gas, and petroleum products systems and interdependencies; evaluate risks, costs and benefits; to guide state and industry investment, policy, and regulatory decisions that would result in hardening of critical energy infrastructure, increasing the resilience of mission critical facilities; evaluate states' blackstart capabilities; the implications of transportation system fuels demands related to evacuation; and areas with limited natural gas for heating that would be most impacted during a fuel supply disruption during periods of winter heating, for example.

- As part of DOE’s actions in response to this RFI, we urge more enhanced coordination with FEMA to address resilience in a holistic manner, critical to both ongoing infrastructure needs, and also to DOE’s and the state energy offices’ Emergency Support Function #12—Energy (ESF-12) functions.
- Mission critical facilities (e.g., water treatment, police, hospitals, schools that serve as shelters, etc.) should be included in the official definition of and considerations for the term “critical infrastructure.” A state-federal partnership to advance modernization and resilience of these facilities through public private partnerships, such as Energy Savings Performance Contracting would speed implementation and lower cost for taxpayers.
- All infrastructure resilience efforts should place particular emphasis on project feasibility, flexibility, financing strategies, and replicability. Including these aspects serves as a guaranteed force-multiplier for future investments and helps support innovative, long-term, and widely-applicable resilience initiatives. Two state-level examples of feasibility and finance-focused projects include New York State Energy Research and Development Authority’s [Final Report on Microgrids for Critical Facility Resiliency in New York State](#) and the [New Jersey Board of Public Utilities Microgrid Feasibility Studies](#).
- DOE should use all existing authority and expanded authority under the FAST Act with OE, CESER, and the Office of Energy Efficiency and Renewable Energy (EERE) to expand federal-state-local resilience cooperation and coordination in a holistic manner. NASEO and its state energy office members are ready and willing to establish criteria and convene all relevant state players, including regulated and unregulated utilities, to prioritize investments and infrastructure needs for resilience purposes. DOE can play a key leadership and technical assistance role.
- DOE should identify a cost-sharing framework for projects to be co-funded through other state and federal grants, and private investment. DOE should engage states and communities to reach shared resilience objectives through interagency and private industry funding opportunities.
- DOE should strongly assist compliance with model or approved building codes (e.g. the most recently published International Building Code and International Residential Code, which include wind and wildfire resistance provisions, energy efficiency, and indoor air quality) every three years as minimum criteria for reference during building or rebuilding periods. These codes and standards have been proven to reduce the amount of damage incurred on residential homes, private businesses, public facilities. Additionally, these codes ensure faster economic recovery times and help minimize the extent of system disruptions. In the building energy codes area, we strongly suggest use of the latest version of American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 90.1 or International Energy Conservation Code (IECC) (commercial) and the residential IECC.

We are confident that others will submit comments regarding NERC standards on the electric system, the role of FERC and the Pipeline Hazardous Materials Safety Administration, and the applicability of ASHRAE and ICC standards and codes, as well as the key role of entities such as the United States Green Building Council (USGBC) in recognizing the role of LEED and other USGBC work in the resilience arena. In general, NASEO supports all this codes and standards work. This should be expanded to connect all our energy systems with our resilience imperatives.

However, as noted in separate comments from the Business Council for Sustainable Energy, these efforts are insufficient to achieve true resilience.

NASEO has solicited feedback from a number of State Energy Offices to incorporate in our comments. In addition to the important issues described in this letter, we have attached comments on this RFI from the Tennessee Department of Environment and Conservation for review.

Thank you for your thorough consideration of these issues, and OE's tireless work to support our energy critical infrastructure against inherent and arising threats. We look forward to working with the Department on this important issue.

Best regards,

A handwritten signature in blue ink, appearing to read 'David Terry', with a stylized, flowing script.

David Terry, Executive Director
National Association of State Energy Officials