



# FEDERAL ENERGY REGULATORY COMMISSION

**Date** December 17, 2009

**Item Nos.** A-3, M-1 and M-2

**Docket No.** AD07-13-002, PL10-2-000 and PL10-1-000

**Commissioner Suedeen G. Kelly**

## **Talking Points of Commissioner Suedeen G. Kelly on Enforcement Package**

- Today's orders and Annual Report are not only a culmination of this past year's efforts to provide well-defined "rules of the road" for market participants in wholesale markets, they also advance our goal of providing effective and fair regulatory oversight for competitive energy markets.
- Since EAct 2005, the Commission has consistently stated that compliance with the Commission's requirements is our primary enforcement objective. The path for meeting this objective must be marked with guidance, guidance, and more guidance. Since the day EAct 2005 was enacted, we have listened in earnest to industry and others to help inform our determinations of what the standards for compliance should be. This is a constantly evolving effort and I am confident that the enforcement program will continue to develop and mature, particularly given the Commission's good fortune in having smart, dedicated enforcement staff with strong, effective leadership.
- In passing EAct 2005, Congress entrusted to the Commission significant new enforcement authorities to help create a culture of compliance. I believe that over the last 4 ½ years we have responded promptly and responsibly in discharging our expanded authorities by providing compliance roadmaps, improving transparency, clarifying the rights of those being investigated, and establishing measures to ensure that entities are treated fairly.
- It is hard to believe that only just over 4 years ago, FERC issued its first Policy Statement on Enforcement, that set out the remedies available to FERC, and explained how we would determine the appropriate remedy for a violation. We have since followed up with a number of orders, including today's, that set forth the hallmark of our enforcement program. In the end, compliance is what regulators should hope for, what industry should constantly strive for, and what consumers deserve. Thanks to staff's hard work, not just on today's orders, but over the years, for advancing this goal.