



To: NEPPA Executive Director, A&R Committee members
From: Elizabeth Whitney, Managing Principal
Date: July 8, 2024
Re: Updates to Resolutions process

This memo updates the process by which NEPPA develops and adopts official positions for the purposes of legislative and regulatory advocacy. This revision updates the process to accommodate the new charter for the Advocacy & Reporting Committee adopted by the Board in 2024.

History and Background

Prior to adopting a formal resolutions process, NEPPA sought to develop positions through discussions at the Committee level (initially the Legislative Committee, then the Advocacy & Reporting Committee). In advance of direct lobbying activity, consultants prepared a series of talking points and background documents to guide conversations between NEPPA members and their congressional delegation.

This process allowed NEPPA to be nimble in its reaction to legislative developments, but reaching consensus via committee discussions created a high bar for dissenting views to be heard. As a result, the broader membership and even the NEPPA Board often had little input or awareness of the positions NEPPA may be taking on its behalf.

Since adopting a process to establish resolutions, NEPPA has experienced no further evidence of members disapproving of its positions. The process allowed NEPPA to more accurately reflect the consensus views of its Board and gain a better awareness when issues lack unanimity. However, the A&R Committee lost some of its ability to nimbly respond to issues as they arise. Although the option to convene the Board to consider a new resolution was proposed as a way to ensure the A&R Committee had approval to act, in practice it has been impractical to do so.

Rationale for Change

Many trade associations develop formal resolutions that guide advocacy efforts with sufficient leeway to allow staff and consultants to take action as events warrant. The revised Committee charters adopted in March 2024 tasked the A&R Committee with not only developing and recommending resolutions, but also with coordinating NEPPA's presence before agencies, legislators, and ISO-NE. These updates seek to provide flexibility to the A&R Committee to perform that coordination role.

Proposed Processes and Timelines

Members of the A&R Committee are well positioned to perceive the need for an official position on a given topic. As this group is tasked with developing positions and receives daily headlines and monthly legislative updates, it is here that NEPPA will primarily identify the need for new resolutions based on developments in Congress, FERC, and ISO-NE as well as concerns on the ground that should be brought to the attention of policymakers. This update allows for policy resolutions to be considered at any Board meeting, retaining an annual reminder to the membership that they are able to propose resolutions for consideration and a process for considering resolutions not originating in the A&R Committee.

Step 1: Proposal and presentation

Any individual may propose an issue or topic as a suitable item for NEPPA advocacy by petitioning the A&R Committee to develop a position. Such petition may include, but need not require, a written resolution for consideration. Petition may be made by email to the Executive Director and/or A&R Committee Chair or, if proposed by a member of the A&R Committee, verbally at an A&R meeting.

The A&R Committee may discuss issues pursuant to member petitions, and/or recommend creation of a draft resolution at any meeting. When a petition is received from a member not on the A&R Committee, the Chair shall invite the proposing member or their representative to the next Committee meeting to deliver a short presentation on the matter at hand. A&R Committee members may ask questions or request additional information.

<i>Member communication: The NEPPA Executive Director shall notify members of the process for submitting new resolutions at the beginning of each year (no later than February 15).</i>

Step 2: Discussion

Subsequent to a member proposal and presentation, A&R Committee members shall review any materials, conduct any needed research, and schedule time for discussion of each proposed issue during the next A&R Committee meeting. Each A&R Committee meeting shall include a status update on any pending resolutions.

At each meeting where a resolution is pending, A&R Committee members shall vote to either a) recommend NEPPA staff and consultants to prepare a draft resolution that seeks to capture the sentiment of the petitioner and A&R Committee members, as discussed; b) table the petition pending resolution of outstanding concerns; or c) reject the petition without drafting a resolution.

Step 3: Refinement and sponsorship

The A&R Committee shall meet to propose and vote on amendments to any pending draft resolution(s) to be considered at the next Board meeting. Once the A&R Committee has voted to forward a resolution to the Board for consideration, A&R Committee members and others may add their systems to the resolution(s) as cosponsors.

Step 4: Board consideration

The A&R Committee chair will introduce the resolutions to be voted on at each Board Meeting, if any, including any necessary background and areas of disagreement.

Subject to existing Board rules of order, Board members may discuss, ask questions, or propose amendments on the floor, the latter of which the A&R Committee chair will designate as friendly or unfriendly at his or her discretion. Friendly amendments may be adopted by voice vote. Unfriendly amendments require a 2/3 affirmative vote to amend the resolution.

Each resolution must pass, as amended, by a 2/3 vote. Resolutions may be referred back to the A&R Committee with directions for further amendment. Such direction shall be in the form of a simple statement, i.e. "The Committee is directed to revise the resolution to reflect member views that the proposed reforms are insufficient." Resolutions that fail to achieve 2/3 vote will be considered rejected, but may be revised and reconsidered by the A&R Committee and re-presented to the Board at a later date.

Member communication: The NEPPA Executive Director shall notify the membership of all approved resolutions after the August Board Meeting (no later than 60 days prior to the December meeting).

Step 5: Prioritization and Adaptation

Any resolutions approved by the Board may be used to guide advocacy efforts. The A&R Committee shall use approved resolutions to extrapolate more granular positions and messaging on specific legislation or proposals, as well as advising the Executive Director to direct staff and consultants to prepare additional documentation such as talking points and background documents to support advocacy.

Resolutions approved by the A&R Committee but not yet adopted by the Board shall be considered interim resolutions. In the event of an urgent development requiring action on an interim resolution, the Executive Director shall notify the Board of any written communication with policymakers on NEPPA's behalf in advance, and in the case of impromptu discussions, within 24 hours of their occurrence.

Step 6: Sunset/Refresh

A resolution that has remained on the books but unamended for three years is subject to sunset at the end of the third calendar year after its adoption unless "refreshed" by the A&R Committee.

Member Communication: Each year the NEPPA Executive Director will notify the A&R Committee of resolutions set to sunset at that year's August Board Meeting. A&R Committee members may propose that one or more of these resolutions be refreshed and presented by the December Board meeting.