**Bernard L McNamee**

Bernard McNamee is the favored candidate to replace Commissioner Rob Powelson on the Federal Energy Regulatory Commission. McNamee is currently the Executive Director of the Office of Policy at the Department of Energy. He previously worked as an attorney at the law firm of McGuireWoods, where he represented utility clients before state public utility commissions. McNamee also worked at the Texas Public Policy Foundation (a right wing think tank tied to ALEC), as Chief of Staff for Texas Attorney General Ken Paxton, and as a policy advisor for Senator Ted Cruz.

Key findings:

**Led Texas Efforts To Challenge Clean Power Plan**. In October 2015 the state of Texas joined a coalition of states that sued the EPA to stop President Obama’s Clean Power Plan. According to a 2016 press release, “McNamee most recently was chief of staff to Texas Attorney General Ken Paxton and led the state’s efforts in a 24-state coalition challenging the Environmental Protection Agency’s controversial Clean Power Plan.”

**Tied To Utility Industry**. McNamee worked as a lawyer for the law firm of McGuireWoods from 2006-2013 and again from 2016-2017. As a lawyer McNamee “represented energy and utilities clients before state public utilities commissions and advised clients on major policy issues facing the energy industry.” McNamee “assisted electric and natural gas utilities in rate cases and in obtaining Certificates of Public Convenience and Necessity (CPCN) to build generating facilities and transmission lines.”

**Tied To Right-Wing Groups And Candidates**. McNamee began as a policy advisor to Virginia Governor George Allen in 1995. In 2009, McNamee was Executive Director of Governor elect Ken Cuccinelli’s transition team. McNamee served as policy advisor to Republican Senator Ted Cruz, who praised McNamee as a “tremendous legal talent.” McNamee served as Chief of Staff for Texas Attorney General Ken Paxton. According to his LinkedIn profile he, “Served as legal and policy advisor to the Attorney General. Led team on all broad array of legal issues, including challenging the federal government on environmental regulations, defending religious liberty and promoting.” In 2018 McNamee worked as the Executive Director in the Office of Policy for the Texas Public Policy Foundation.

**Background**

Bio

**2018: Executive Director, Office Of Policy U.S. Department Of Energy (DOE).** According to LinkedIn, “Lead the Office of Policy for the U.S. Department of Energy -Develop research based policy on energy issues -Advise the Secretary of Energy, senior leadership and program offices regarding energy issues.” [LinkedIn, accessed [9/5/18](https://www.linkedin.com/in/bernard-l-mcnamee-ba626637/)]

**Feb-May 2018: Texas Public Policy Foundation, Executive Director, Office Of Policy**. According to LinkedIn, “Led Life: Powered, a new energy initiative at the Texas Public Policy Foundation. Also led the Center for Tenth Amendment Action at the Texas Public Policy Foundation.” [LinkedIn, accessed [9/5/18](https://www.linkedin.com/in/bernard-l-mcnamee-ba626637/)]

* **McNamee Focused On Health Care, Taxes, And Spending At Texas Public Policy Foundation**. According to a press release, “As the head of the Center for Tenth Amendment Action, McNamee will focus on applying the Texas Model of individual liberty, fiscal responsibility and free-market reforms to federal policy, in the areas of health care, taxes, and spending. He will also lead the Life: Powered project, a continuation of TPPF's work on energy policy, to ensure Americans continue to benefit from abundant, reliable, safe and clean energy.” [TPPF Press Release, 2/8/18]

**May 2017-February 2018: DOE, Deputy General Counsel For Energy Policy**. According to LinkedIn, “Provided legal and policy advice for major USDOE program responsibilities, including the Office of Electric Delivery and Electric Reliability, the Office of Fossil Energy, the Office of Nuclear Energy, and the Office of Standard Contract Management. Advised the Secretary of Energy and senior staff regarding major legal issues and on energy policy. Experience included LNG export orders, grid reliability issues, Atomic Energy Act and Nuclear Waste Policy Act issues, Jones Act waivers, and regulatory process. Managed team of 25 lawyers and staff. Testified before Congress.” [LinkedIn, accessed [9/5/18](https://www.linkedin.com/in/bernard-l-mcnamee-ba626637/)]

**January 2016-May 2017: McGuireWoods LLP, Senior Counsel**. According to LinkedIn, “Returned to firm after two and half years of public service. (Was previously a partner at the firm for 7 1/2 years). Represented energy and utility clients before state public utility commissions, as well as providing advice related to major policy issues facing the energy industry. Represented electric utilities in obtaining Certificate of Public Convenience and Necessity (CPCN) proceedings to build generating facilities and transmission lines and rate cases. Advised and represented clients on wide variety of energy related regulatory issues, including integrated resources planning (IRP). Served clients of McGuireWoods on a range of legislative, regulatory and policy matters.” [LinkedIn, accessed [9/5/18](https://www.linkedin.com/in/bernard-l-mcnamee-ba626637/)]

**January 2015- December 2015: Chief Of Staff, Ken Paxton, Texas Attorney General.** According to LinkedIn, “Served as legal and policy advisor to the Attorney General. Led team on all broad array of legal issues, including challenging the federal government on environmental regulations, defending religious liberty and promoting federalism. Managed, with 1st Assistant, office of almost 4200 attorneys, professionals and staff with an annual budget of over $500 million.” [LinkedIn, accessed [9/5/18](https://www.linkedin.com/in/bernard-l-mcnamee-ba626637/)]

**July 2013 – November 2014: Senior Domestic Policy Advisor And Counsel U.S. Senator Ted Cruz**. According to LinkedIn, “Led team in domestic policy development for Senator Cruz: energy, environment, healthcare, taxes, labor and employment, agriculture and transportation. Developed, tracked and advised on legislation. Provided strategic and tactical advice, including assisting with press communications and speeches.” [LinkedIn, accessed [9/5/18](https://www.linkedin.com/in/bernard-l-mcnamee-ba626637/)]

* **Ted Cruz Called McNamee A “Tremendous Legal Talent.”** According to a press release, “Scott Keller, Sen. Cruz’s chief counsel, has been named the next Solicitor General of Texas. Bernard McNamee, Sen. Cruz’s senior domestic policy advisor, has been named Paxton’s Chief of Staff. ‘Scott Keller and Bernie McNamee are both tremendous legal talents who will serve Texas well,’ said Sen. Cruz. ‘They are dedicated, tireless professionals and while they will be missed in my Senate office, I am very pleased the Great State of Texas is recognizing the outstanding work they have performed by offering them key leadership positions in the Attorney General’s office.’” [Pres Release, 12/10/14]

**2006-2013: Partner, McGuireWoods.** According to LinkedIn, “Represented electric and gas utilities before public utility commissions (PUC) in rate cases, CPCN proceedings, IRPs, RPS, and rulemakings.” [LinkedIn, accessed [9/5/18](https://www.linkedin.com/in/bernard-l-mcnamee-ba626637/)]

* **McNamee Represented Virginia Electric And Power Company As An Attorney For McGuireWoods**. [US States News, 7/20/07]
* **McNamee Represented Energy And Utilities Clients Before State Public Utilities Commissions And Advised Clients On Major Policy Issues Facing The Energy Industry At McGuireWoods**. According to a press release, “McNamee will rejoin McGuireWoods' Regulatory and Compliance Department as senior counsel in the firm's Richmond office, where he was a partner from 2006 to 2013. McNamee represented energy and utilities clients before state public utilities commissions and advised clients on major policy issues facing the energy industry.” [McGuireWoods Press Release, 1/5/16]
* **McNamee Assisted Electric And Natural Gas Utilities In Rate Cases And In Obtaining Certificates Of Public Convenience And Necessity**. According to a press release, “McNamee assisted electric and natural gas utilities in rate cases and in obtaining Certificates of Public Convenience and Necessity (CPCN) to build generating facilities and transmission lines.” [McGuireWoods Press Release, 1/5/16]
* **McNamee Played An Integral Role Advising Clients During Implementation Of The 2007 Virginia Electric Utility Regulation Act**. According to a press release, “He played an integral role advising clients during implementation of the 2007 Virginia Electric Utility Regulation Act, which returned the state's utilities to a modified cost-of-service regulatory model. McNamee was selected for inclusion in The Best Lawyers in America for energy law each year from 2010 to 2013.” [McGuireWoods Press Release, 1/5/16]

**2009: McNamee Was Executive Director Of Ken Cuccinelli’s Transition Team**. According to the Richmond Times Dispatch, “In a conference call with reporters, Cuccinelli announced the transition's executive director would be Republican Bernard L. McNamee, a Cullen law partner and lobbyist who served in the attorney general's office under Jerry W. Kilgore. McNamee also was an aide to then-Gov. George Allen.” [Richmond Times Dispatch, 11/6/09]

**2005-2006: Chief Deputy Attorney General, Office Of The Attorney General Of Virginia.** According to LinkedIn, “Managed office of almost 300 attorneys and staff with a budget of $25 million. Served as legal counsel and policy advisor to the Attorney General. Substantive involvement with all aspects of the office including Consumer Counsel, civil litigation, criminal appeals, education law, regulatory/APA, tobacco Master Settlement Agreement, and Official Opinions of the Attorney General.” [LinkedIn, accessed [9/5/18](https://www.linkedin.com/in/bernard-l-mcnamee-ba626637/)]

* **McNamee Was Legal Counsel And Policy Advisor To Virginia Attorney General Judith Williams Jagdmann.** According to a press release, “McNamee served as Virginia’s chief deputy attorney general from 2005 to 2006. In that role, he was legal counsel and policy advisor to Attorney General Judith Williams Jagdmann and was closely involved in all of the office’s functions, including consumer counsel, civil litigation, criminal appeals, education law and official opinions.” [McGuireWoods Press Release, 1/5/16]

**2003-2005: Partner, Williams Mullen**. According to LinkedIn, “Partner with Government Affairs team. Represented corporations, associations and other interested parties before legislative and executive branches of government. Practice included developing and passing legislation, negotiation and advocacy for government contracts, strategic planning, press strategies, and crisis management.” [LinkedIn, accessed [9/5/18](https://www.linkedin.com/in/bernard-l-mcnamee-ba626637/)]

**2002-2003: Chief Counsel To The Attorney General Of Virginia**. According to LinkedIn, “Served as chief legal counsel and policy advisor to the Attorney General. Responsible for developing, coordinating and implementing Attorney General’s policies and vision in all aspects of the work of the Office of the Attorney General, including consumer multi-state settlements.” [LinkedIn, accessed [9/5/18](https://www.linkedin.com/in/bernard-l-mcnamee-ba626637/)]

**2001-2002: Virginia Deputy Attorney General For Health, Education, And Social Services**. According to LinkedIn, “Managed division lawyers and staff. Responsible for reviewing and approving legal work, including briefs, regulations, agency advice, FOIA questions, and settlements. Served as special assistant to the Attorney General for the Virginia Preparedness and Security Panel.” [LinkedIn, accessed [9/5/18](https://www.linkedin.com/in/bernard-l-mcnamee-ba626637/)]

**1999-2000: Policy Director, George Allen For U.S. Senate 2000**. According to LinkedIn, “Policy Director for successful U.S. Senate Campaign.” [LinkedIn, accessed [9/5/18](https://www.linkedin.com/in/bernard-l-mcnamee-ba626637/)]

* **McNamee Defended George Allen Environmental Record When He Ran For Senate**. According to the Associated Press, “But Bernard L. McNamee, policy director for the Allen campaign, said the campaign is ‘very, very proud’ of Allen’s environmental record. McNamee noted that Allen’s administration had 23 enforcement actions against Smithfield in a 20-month period before 1995. ‘They’re saying George Allen is at fault for everything that went wrong and he gets no recognition for the things he did right,’ McNamee said.” [Associated Press, 9/16/00]

**1998-1999: Associate, Hunton & Williams LLP.** According to LinkedIn, “primary work addressed asset securitization.” [LinkedIn, accessed [9/5/18](https://www.linkedin.com/in/bernard-l-mcnamee-ba626637/)]

**1995-1998: Deputy Policy Advisor And Counsel To The Governor, Governor Of Virginia, Governor’s Policy.** Office According to LinkedIn, “Served as policy advisor and legal counsel to the Governor of Virginia.” [LinkedIn, accessed [9/5/18](https://www.linkedin.com/in/bernard-l-mcnamee-ba626637/)]

**1993: JD, Emory School Of Law**. [LinkedIn, accessed [9/5/18](https://www.linkedin.com/in/bernard-l-mcnamee-ba626637/)]

**1989: BA, Foreign Affairs, University Of Virginia**. [LinkedIn, accessed [9/5/18](https://www.linkedin.com/in/bernard-l-mcnamee-ba626637/)]

Energy Positions

**McNamee Likely To Fall In With White House Energy Priorities**. According to Utility Dive, “If confirmed to FERC, McNamee would likely fall more in line with the White House’s energy priorities than Powelson, who routinely criticized the administration’s efforts to save uneconomic nuclear plants from retirement. McNamee helped pitch the DOE’s Notice of Proposed Rulemaking, which would have provided cost recovery to plants with 90 days of fuel onsite, pumping the plan at regulatory conferences and defending it in front of Senate lawmakers last month.” [Utility Dive, [8/8/18](https://www.utilitydive.com/news/report-trump-to-nominate-doe-policy-head-mcnamee-to-ferc/529701/)]

DOE

**McNamee Defended DOE’s Authority To Keep Plants Online Using Its Emergency Authority Under Section 202(C) Of The Federal Power Act**. According to Utility Dive, “During the same hearing, McNamee also defended DOE’s authority to keep plants online using its emergency authority under Section 202(c) of the Federal Power Act, saying it has been used in a ‘variety of contexts,’ like the California energy crisis. McNamee’s perspective on 202(c) could be material, since FERC sets the rates for emergency cost recovery if a generator and regional grid operator cannot agree.” [Utility Dive, [8/8/18](https://www.utilitydive.com/news/report-trump-to-nominate-doe-policy-head-mcnamee-to-ferc/529701/)]

**McNamee Said Cuts To ARPA-E Funding Were “Not A Cost-Cutting Effort.”** According to Congressional Quarterly News, “McNamee said the goal is not to cut funding but to encourage efficiency through ‘cross-communication’ and ‘cross-cutting’ in the agency. ‘Maybe there’s a great idea that EERE is having that ought to be looked at in the fossil area,’ he said. ‘My understanding is that this is not a cost-cutting effort in trying to reduce the funding to each of those silos.’” [Congressional Quarterly News, 7/19/18]

**McNamee Said DOE Worked To Support Trump Administration Goal Of Energy Dominance**. During testimony to the Senate Energy Committee, Bernard McNamee said, “The Department of Energy is an agency tasked with a number of important responsibilities. Many of them, you already know, but among them are assuring the nuclear readiness, overseeing the nation’s energy supply, carrying out the environmental cleanup from the nuclear mission and managing the department’s 17 national labs. In support of the administration’s goals of establishing energy dominance and economic competitiveness, the department’s energy and science programs are focused on research and development across the vary -- variety of technologies and variety of fuel sources.” [Senate Energy Committee, Hearing to Review Energy legislation, 10/3/17]

**McNamee: “Nation Will Achieve Our Economic, Energy And Environmental Goals By Ensuring That The United States Continues To Be A Leader In Energy Technology.”** During testimony to the Senate Energy Committee, Bernard McNamee said, “Our nation will achieve our economic, energy and environmental goals by ensuring that the United States continues to be a leader in energy technology, development and delivery, and by unleashing America's ingenuity to unlock our natural resources.” [Senate Energy Committee, Hearing to Review Energy legislation, 10/3/17]

**McNamee Helped Rick Perry Roll Out DOE Proposal To Save Coal Industry**. According to Politico, “McNamee helped roll out Energy Secretary Rick Perry’s proposal last year to save struggling coal and nuclear power plants — an issue that sources have said served as a key litmus test for Trump administration officials evaluating a replacement for Powelson, who is set to resign Friday.” [Politico, [8/8/18](https://subscriber.politicopro.com/energy/whiteboard/2018/08/sources-does-mcnamee-to-get-ferc-nod-728321)]

* **Plan Was Voted Down By FERC.** According to Politico, “FERC in January unanimously voted down that plan, which sought to create special payments for power plants capable of holding 90 days of fuel on-site. But the administration has been considering additional options such as invoking rarely used emergency powers to force power plants to run, which would potentially give McNamee a chance to provide the pivotal vote on the subsequent rates and rules as a commissioner.” [Politico, [8/8/18](https://subscriber.politicopro.com/energy/whiteboard/2018/08/sources-does-mcnamee-to-get-ferc-nod-728321)]

Environment

**McNamee Called Earth Day A “Strange Mix” Of Celebration And Gloom**. According to an op-ed by McNamee in The Hill, “Since its inception in 1970, Earth Day (April 22) has been a strange mix — a celebration of springtime and the great outdoors, combined with doom-and-gloom prophecies of destruction, centering on overpopulation, pollution and capitalism.” [The Hill, [4/17/18](http://thehill.com/opinion/energy-environment/383605-this-earth-day-lets-accept-the-critical-role-that-fossil-fuel)]

**Claimed Data On Fossil Fuels Did Not “Reflect The Popular Narrative.”** According to an op-ed by McNamee in The Hill, “But because Earth Day is an opportunity for reflection about our planet and the people who inhabit it, we should consider how man’s use of natural resources has affected the environment and the human condition. In particular, we should honestly assess the data as to how fossil fuels impacted our planet, the environment, and quality of life. But like most things in life, the data does not always reflect the popular narrative.” [The Hill, [4/17/18](http://thehill.com/opinion/energy-environment/383605-this-earth-day-lets-accept-the-critical-role-that-fossil-fuel)]

**McNamee: “Fossil Fuels Have Allowed People To Be More Productive, To Engage In Less Backbreaking Manual Labor, And To Grow More Food.”** According to an op-ed by McNamee in The Hill, “When one thinks about it, it makes sense. Fossil fuels have allowed people to be more productive, to engage in less backbreaking manual labor, and to grow more food. Fossil fuel use for machines, transportation, electricity, and plastics allows us to build complex devices, travel longer distances, illuminate our homes, and build everyday products from toys to computers.” [The Hill, [4/17/18](http://thehill.com/opinion/energy-environment/383605-this-earth-day-lets-accept-the-critical-role-that-fossil-fuel)]

**McNamee: “Many In Developing Countries Can’t Save Premature Babies Because They Don’t Have Access To The Reliable Electricity That Fossil Fuels Provide Americans.”** According to an op-ed by McNamee in The Hill, “Without oil, natural gas, and coal, none of this would be possible and available to so many people. In fact, many in developing countries can’t save premature babies because they don’t have access to the reliable electricity that fossil fuels provide Americans.” [The Hill, [4/17/18](http://thehill.com/opinion/energy-environment/383605-this-earth-day-lets-accept-the-critical-role-that-fossil-fuel)]

**McNamee: “Fossil Fuels Have Also Allowed Us To Address Hunger.”** According to an op-ed by McNamee in The Hill, “Fossil fuels have also allowed us to address hunger. In the United States, energy allows us to produce three times as much food as we did a century ago, in one-third fewer man-hours, on one-third fewer acres, and at one-third the cost. About 3 percent of the population now produces all the food that over 300 million Americans consume. From fertilizer produced with natural gas to tractors powered by diesel engines, and irrigation systems that pump water and refrigerators that prevent food from spoiling, natural gas, oil and coal are the energy that feeds America.” [The Hill, [4/17/18](http://thehill.com/opinion/energy-environment/383605-this-earth-day-lets-accept-the-critical-role-that-fossil-fuel)]

**McNamee: “There Is No Doubt That The Burning Of Fossil Fuels Has Caused Pollution.”** According to an op-ed by McNamee in The Hill, “There is no doubt that the burning of fossil fuels has caused pollution. But what is often not reported is how human ingenuity has reduced emissions.” [The Hill, [4/17/18](http://thehill.com/opinion/energy-environment/383605-this-earth-day-lets-accept-the-critical-role-that-fossil-fuel)]

**McNamee: “We Need To Be Honest About Whether Renewables Can Displace Other Energy Resources In Providing For Our Energy Needs.”** According to an op-ed by McNamee in The Hill, “This does not mean we should not use renewable energy. Of course we should. But these facts do mean that we need to be honest about whether renewables can displace other energy resources in providing for our energy needs. Moreover, nearly 100 percent of the plastics we use every day are made from petroleum — and wind and the sun cannot be transformed into plastic.” [The Hill, [4/17/18](http://thehill.com/opinion/energy-environment/383605-this-earth-day-lets-accept-the-critical-role-that-fossil-fuel)]

**McNamee: “America Is Blessed With An Abundant Supply Of Affordable Natural Gas, Oil And Coal.”** “America is blessed with an abundant supply of affordable natural gas, oil and coal.” According to an op-ed in The Hill McNamee wrote, “America is blessed with an abundant supply of affordable natural gas, oil and coal.” [The Hill, [4/17/18](http://thehill.com/opinion/energy-environment/383605-this-earth-day-lets-accept-the-critical-role-that-fossil-fuel)]

**McNamee: “We Should Consider The Facts, Not The Political Narrative, And Reflect About How The Responsible Use Of America’s Abundant Resources Of Natural Gas, Oil And Coal Have Dramatically Improved The Human Condition.”** According to an op-ed by McNamee in The Hill, “When we celebrate Earth Day, we should consider the facts, not the political narrative, and reflect about how the responsible use of America’s abundant resources of natural gas, oil and coal have dramatically improved the human condition — and continue to do so.” [The Hill, [4/17/18](http://thehill.com/opinion/energy-environment/383605-this-earth-day-lets-accept-the-critical-role-that-fossil-fuel)]

Clean Power Plan

**McNamee Was Chief Of Staff To Ken Paxton, Led Texas Efforts To Challenge The Clean Power Plan**. According to a press release, “McNamee most recently was chief of staff to Texas Attorney General Ken Paxton and led the state’s efforts in a 24-state coalition challenging the Environmental Protection Agency’s controversial Clean Power Plan. Before that, he was senior domestic policy advisor and counsel to Cruz, leading policy development in areas such as energy, the environment, healthcare, taxes, transportation and labor and employment.” [McGuireWoods Press Release, 1/5/16]

* **October 2015: Texas Part Of Coalition That Sued To Stop Clean Power Plan**. According to the Texas Tribune, “As promised, Texas is suing the U.S. Environmental Protection Agency over President Obama’s plan to combat climate change, Attorney General Ken Paxton announced Friday, just after the new regulation had been published in the federal register. The state is suing as part of a bipartisan coalition of 24 states — including Missouri and Kentucky, which are led by Democrats — that are set to jointly request a stay on the plan Friday afternoon. The regulation, known as the Clean Power Plan, requires states to cut carbon emissions by shifting from coal power to natural gas and renewables over the next 15 years.” [Texas Tribune, [10/23/15](https://www.texastribune.org/2015/10/23/texas-sues-epa-over-clean-power-plan/)]

Political Philosophy

**McNamee Previously Worked At Tenth Amendment Center And Texas Public Policy Foundation**. According to Utility Dive, “McNamee has only been in his current role as the head of DOE’s policy office since May. Before that, he headed the Tenth Amendment center at the Texas Public Policy Foundation, a conservative think tank with ties to Perry.” [Utility Dive, [8/8/18](https://www.utilitydive.com/news/report-trump-to-nominate-doe-policy-head-mcnamee-to-ferc/529701/)]

**McNamee Wanted To “Remove Some Of Those Distortions” From Markets To Create “More Parity.”** According to Utility Dive, “‘A lot of the organized markets have distortions in them that aren’t representative of an actual free-serving market, so the thought is you need to remove some of those distortions and get some more parity,’ McNamee said in response to a question from Sen. Maria Cantwell, D-Wash.” [Utility Dive, [8/8/18](https://www.utilitydive.com/news/report-trump-to-nominate-doe-policy-head-mcnamee-to-ferc/529701/)]