

President's Message

This brief report will let you know what we are doing to fulfill the purposes of the Federal Energy Bar Association which you will find in its articles of incorporation.

The proper administration of the federal laws regulating energy is encouraged in two ways. We report once a year on what has been done by the federal agencies and departments and by the Courts which review their actions, and we offer suggestions for improvements on an on-going basis. Each of our committees prepares a detailed report on developments in its area of responsibilities at the end of the calendar year. These reports are made available to the bar, the general public, and to students of the energy industry and its regulation, through publication in the *Energy Law Journal*.

Our Committees also advise on particular topics, enabling the Board of Directors to present the Association's views on regulatory procedures and administrative matters to federal agencies, departments, the Congress and the Courts. Committees are currently studying such timely topics as the adequacy of the hearing room facilities of the Federal Energy Regulatory Commission (FERC), access to documents in the FERC's Public Reference Room, the quality of transcripts of hearings before that agency's Administrative Law Judges (ALJ) *ex parte* rules, FERC proposals to expedite procedures related to the issuance of certificates of public convenience and necessity, proposals to develop uniform procedural rules and uniform rules of evidence for use throughout the federal government, and the simplification of intervention procedures utilized by one of the United States Courts of Appeals.

Relevant court decisions continue to be distributed to the members, from time-to-time, by our Assistant Secretary.

The Association continues to support the *Energy Law Journal* which it founded, and works with the Journal's Foundation and the National Energy Law Policy Institute of the University of Tulsa College of Law to maintain the high quality of this very professional publication.

The Association is now affiliated with the American Bar Association (ABA). I must report that we failed at the ABA's Annual Meeting in August 1990 to dissuade the ABA's House of Delegates from adopting a proposal which encourages the President to exercise oversight (with some exceptions) over rulemaking orders of independent regulatory agencies such as the FERC. It is the Association's position that the proposal is inconsistent with provisions of the Department of Energy Organization Act of 1977 which established the FERC as an independent regulatory agency and which detail the respective roles of the agency and the Secretary of Energy.

JOHN T. MILLER, JR.