



Holding the Helm Firmly Through Stormy Seas

FERC Chairman Willie Phillips Speaks to the EBA

By Gary E. Guy and David Martin Connelly

The Honorable Willie L. Phillips has had many titles in the 21st century, most significantly being named as Chairman of the Federal Energy Regulatory Commission by President Biden in January 2023 after having been nominated, confirmed, and sworn in as a Commissioner in 2021. Before he became Chairman of the District of Columbia Public Service Commission (PSC) in 2018, he was a Commissioner at the DC PSC beginning in 2014. And he was a seasoned private practitioner in the FERC space and a litigator prior to his governmental service. And he has a long time still to go at the agency, as his term extends to June 30, 2026. Therefore, it was with great excitement that EBA's interview squad of Gary E. Guy and David Martin Connelly (aka "Lincoln Steffens" and "Lyle Denison") grabbed the opportunity afforded us for a half-hour sit-down with this esteemed energy regulator. We found him to be very gracious, cordial, engaging, upbeat, and given to sparks of levity that made our visit very enjoyable as well as instructive. Here now is a brief recap:

Comparing and Contrasting Different Roles He Has Performed

Chairman Phillips, a former Assistant General Counsel at the North American Electric Reliability Corporation and former practitioner at two law firms, came to his various Commissionerships with ample energy law expertise. And he did it all in D.C., so his wife and two children have never had to relocate.

We asked the good Chairman how he got into the legal profession in general, and the energy regulatory field in particular, how the state agency role differs from the federal responsibilities he wields now, and how he views his public service roles from his private practice experience.

To all this, we received the following responses from the Chairman in his rich, baritone voice suitable for an opera star, and with great friendliness and laughter when the occasion called for it: “While I did have a pretty long stint in private practice, I always had the desire to be involved in public service,”



he revealed. “When I was a FERC practitioner, I fell in love with the body of energy law itself. I was a litigator my first year and I ended up moving over to the energy sector of the firm. They said do a year and if you don’t like it, you can go back to being a litigator. I’ve never looked back.” Those of us who have practiced in this field for the entire 46 years or so that FERC has been in existence (as successor to the FPC), we can well understand his sentiments.

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Not that energy law was foreign to him when he first began handling cases in this field. Whether prescient or not, he had taken some energy law courses at Howard University Law School, and he had done some work as a summer intern in law firms in the energy field. Liking the the people he worked with, an energy practice was always considered to be a “possibility.” However, his desire to be a litigator caused him to not seek out energy as his first career choice prior to his greater exposure to its attractions. “I just didn’t realize how rich the body of law was. It’s a small sector of regulatory law but it is deep and vast and interesting in a way that surprised me.”

He adds that energy law suited his skillset because he likes doing all the things that a FERC practitioner is called upon to do—negotiating agreements, tariffs, and settlements; filing motions and briefs; trying administrative cases; handling appeals and oral arguments; and participating in making law. As an agency head, he has found himself to be the chief contracting officer, signing off on human resources matters, hiring people, and when necessary, letting people go. He calls all these different “areas of law coming together in one person, in one job.”

As to the difference between being a state regulator and a federal regulator, he first pointed out that “there is a lot of overlap” in that both levels of government share the mission of “assuring safe, reliable, and affordable energy delivery service.”

He also pointed out that having had a FERC practice before becoming a state regulator led him to “understand where the feds were coming from, and I tried my best to see that D.C. got the attention that it deserved.” By the same token, “now that I am on this side, I have taken that state experience with me, and it informs the way I do this role. It is not a turning the table as much as it is a maturation of how I do the work of determining the public interest and how to use the public interest standard.” He has been surprised at how much travel is involved as a FERC regulator. But he believes that it “is critically important” to go to, for example, North Dakota and visit with tribes there, or to Alaska to speak with those knowledgeable about the regulation of small hydro facilities, and otherwise talk to people around the country. “It has been a benefit to me to get out to learn what is important to people because you can’t always get that here in D.C.”



Also, at FERC, he has found that there is a “much brighter light on what we do.” For example, he explained that “I didn’t hold press conferences when I was Chairman of the D.C. Public Service Commission. But we do one every month.” This increased coverage also carries with it a greater need to consider your public statements. “What you say matters even more. You try to be thoughtful about what you say on the dais and the podium. But every now and then you feel inspired to say something off the cuff. It’s that thing you didn’t think about. That’s the headline that’s going to come out the next morning. That one thing you thought was a bright idea is the thing that people often remember, and it stands out. The amount of discipline it takes to be Chair can be significant.”

As to FERC personnel, he had much praise. “We continue to be one of the best places to work in government. In the past two years, I have been Chairman, we’ve continued that tradition. I am very proud of that. I think the culture here is fantastic,” he told us, adding, “The staff is worldclass.”

As for the difference in being Chairman rather than a Commissioner, at either federal or state agencies, he gave a clue as to his leadership style. First, he was definite in saying, “I do love being in leadership.” However, he then went on to state what he means by that exercise of authority. “I don’t really view it as being in charge,” he explained. “My thing is about building consensus. I tell my team all the time: ‘You can get so much done if you don’t care about who gets the credit.’ I really do believe that. And that’s the way I try to lead. That’s the way I try to approach our work. I like to be a bi-partisan leader.”

Leading a Full Team of Commissioners Through Collegiality

He also volunteered that he believes that having all seats filled is important. “I love that we have five Commissioners, a full complement. I think FERC really does work best when we have a full complement. And the reason for that is while I like to think I am right, oftentimes I know I am not right. I don’t have all the answers all the time. And someone else with a different perspective, different life experience, can come to the same problem and come up with a solution that I never thought about, that I

can get behind and support.” This humbleness about his reliance on his colleagues matches his earlier advice to his staff about being unconcerned as to who ends up with the credit for an agency success. His leadership style is very much that of being a consensus builder open and even eager to accept ideas from all comers. He concludes: “That is what you get when you have five great minds as we do now around the table.” He calls all the sitting Commissioners “thoughtful, extremely smart, and bright, and dedicated public servants. We are in good hands with this new slate,” he declares. He discussed how he has spent time getting to know each of them individually and that he looks forward to more such individualized contact with them.

We asked him if he also has communications with former FERC Commissioners, any kind of alumni club that he consults? He revealed that “without exception, every former Commissioner, every former Chairman, has been kind to me and welcoming to me.” He also revealed that “when new Commissioners come on board there is an attempt, often led by Suede Kelly, to get everyone together that can make it on a certain day for a meal. It’s extremely valuable to have those relationships and to hear those words of advice.”

In fact, we remarked to the Chairman that we have detected an *esprit de corps* at the Commission’s “Sunshine Act” Meetings that are accessible to the public via the internet. We commented that the Willie Phillips Administration struck us as not unlike the George Washington Cabinet with the Chief Executive holding together disparate “great minds” such as Hamilton and Jefferson the same way he has done with his colleagues, some of whom have opposed one another on one matter or another. To that observation, he laughed but also conveyed that “I try not to get too high or too low ever,” adding, “The point of civility is intentional for me. I think it is not a secret,” he continued, “that the temperature got a little high here at FERC for a period of time and that’s no fault of any particular person,” he pointed out. But the bottom line is: “I have tried to move the temperature down.” We would say that he is successful in doing so from the standpoint of public observers.

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To that point, he laughingly stated, “I want to make FERC boring again.” He explains: “What I mean by that is take it back to the way FERC was viewed on the outside when I was a FERC practitioner.” Those who worked within the agency decades ago know exactly what he means.

As an example, he pointed out that when he worked at NERC and a FERC official such as FERC Chairman Cheryl LaFleur visited, “it was treated with such respect and esteem that, while it was almost as if there was zero chance of her walking by your office, you still clean up your office and wear your best suit and when you would hear footsteps you stand at attention at your door. That is the way I treated FERC. And that is what I want for FERC still.” He clearly intends for FERC to perform at a level of civility and excellence to command such respect.



responsibilities. Again, his humbleness comes through by his observation that the agency will be carrying out its mission long after he is gone.

Advice Worth Heeding

In terms of advice to energy practitioners, he notes that “one thing I did in practice was to focus on telling the story, telling it as often as you can, and telling it before the *ex parte* rules attach.” By that he means “you have to come in and meet with Staff and Commissioners – Staff is probably more important – when you can talk about it.” He explains that this matters to a regulator “not so that I hear your side and say ‘okay I will put my thumb on the scale and decide it in that way’ but because I want to meet with everybody, every side, all stakeholders, so that when I get into the deliberations process I have an idea of where I want to go based on the information I have received.” While “I may not agree with you, I am informed about your Why, your motivation, the goal that you want. And whether that aligns with the public interest, that’s the Commissioner’s job.”

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When we stated that there might be some hesitancy by some entities as to whether their matters are significant enough to warrant taking up his time, the Chairman responded that “I view it the opposite way. I literally work for them. I literally work for stakeholders, for environmental justice community folks, folks who don’t even know what FERC is. I work for them.” Again, his modesty and sense of being a steward of the public trust constantly comes through. One might think of this rather formidable looking gentleman as a gentle giant. It is truly remarkable that fate seemed to put him in the eye of the storm surrounding all the controversies that FERC must address in these turbulent times with his sense of judiciousness, his reach-out to all sectors, and openness to full collaboration with his colleagues of every stripe.



As for the prospect of anyone considering a career in the energy field, Chairman Phillips gave a very interesting answer, quite different from what anyone else has said to in previous interviews. Actually, he gave two answers. He began with, “The first thing I would say is that FERC is hiring! Look our way, please!”

Then he thoughtfully stated: “Let me tell you why I enjoy being a Commissioner and being at FERC because I think this will help inform why a person should want to be in energy. I am here because I enjoy being here, I don’t have to

be here. But this job,” he continued, “more than any job I have ever had allows me to be me. I am more myself today as a professional than I have ever been in my whole life. I show up as me. And that is so important, I think, to the longevity of being in a space. And I think people see it, people feel it. They react to it; they respond to it.”

“I try to be sincere,” he adds. “When I take a position, or say this is what I can do, people take me at my word because I am my full self. Find something,” he proclaims, “maybe it’s not energy, but find something that allows you to do that. But for me, it is energy.”

Fortunately for the Energy Bar, Chairman Phillips found his calling to be in the energy sphere, and we are all better off for it.

Filtering Chairman Phillips

1. Favorite Starbucks drink: Triple Espresso Macchiato (“It’ll get your engine going!”)
2. Favorite ice cream flavor: Vanilla.
3. Favorite DC sports team: Wizards.
4. Hidden talent: Outdoorsman.
5. Dream car: Convertible.
6. Secret to work/life balance: Family. Picking a great spouse is the most important decision. And meditation.
7. Favorite junk food: A good chip.
8. My idea of relaxation is: Being on the beach.
9. Walk-up song/personal theme songs: Sweet home, Alabama.
10. Favorite DC restaurant: *Le Diplomate*.
11. Item to take to a desert island: A cooking pot.
12. Most admired public figure: Abraham Lincoln.
13. Best advice ever received: Happiness is not about having everything that you want but wanting everything that you have.
14. Most influential person/people during childhood: My mother, first. Then my Boy Scout and Eagle Scout leaders.
15. Most influential person now: My wife.
16. Favorite season and why: Fall because everything looks so good.
17. Most beautiful place you have ever seen: Lake Como between the mountains in Italy. (The Chairman’s wife is a diplomat and they have been all over the world.)
18. Most rewarding aspect of being the Chairman: Being able to serve.