

# Ex-Regulator Joining Lobby Skirts Revolving-Door Ban, Group Says

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A former U.S. energy regulator is joining the top trade group for electric utilities, less than four months after leaving his government position in what a watchdog group calls an example of revolving-door politics in Washington.

Philip Moeller, a member of the Federal Energy Regulatory Commission from 2006 until last October, will serve as senior vice president for the Edison Electric Institute, which lobbies for investor-owned utilities, the group said in a statement on Jan. 6. The institute and Moeller said he will abide by ethics rules and avoid lobbying his former employer.

“I’m bound by some agreements that I signed prior to my second term, and I’m obviously going to abide by those, and they are quite limiting in terms of what I can do and who I can talk to,” Moeller, 54, said Monday in an interview.

But the move shows the weakness of President Barack Obama’s executive order requiring presidential appointees to refrain from lobbying the administration after leaving government, Craig Holman, a government affairs lobbyist with Public Citizen, a nonprofit advocacy group that bills itself as the people’s voice in Washington, said.

## ‘Revolving Door’

“The ethics executive order has done a great deal in making the Obama administration the cleanest in recent history, but it has not stopped abuses of the regular revolving door,” Holman said in an e-mail. “Former appointees may conduct strategic advising to other lobbying camps, and consulting to executive agencies, without actually conducting their own lobbying of the executive branch.”

Appointees are also subject to a federal conflict of interest law that prohibits them from lobbying their former agency for two years.

An independent agency within the Department of Energy, FERC regulates elements of the

U.S. electricity, natural gas, oil, and hydropower industries, including the reliability of the electric grid and wholesaling of electricity. It also reviews mergers and acquisitions and corporate transactions by electricity companies, among other things.

## ‘Diligently Respect’

EEI, whose member companies include Duke Energy Corp., NextEra Energy Inc. and Exelon Corp., said the group is aware of and will abide by restrictions on Moeller’s activities.

“EEI and Phil Moeller are well aware of the restrictions for him to appear before FERC and to meet or appear before the leaders of other federal agencies,” David Owens, EEI’s executive vice president for business operations and regulatory affairs, said in an e-mailed statement. “EEI and Phil will diligently respect those restrictions.”

Moeller was nominated as a Republican commissioner to the five-person FERC by President George W. Bush in 2006 and renominated by President Barack Obama in 2010. He’ll direct the energy delivery, retail energy services and state regulatory outreach activities at EEI, the group said in its statement.

William Scherman, who leads the energy, regulation and litigation practice at Gibson, Dunn & Crutcher LLP in Washington, said in an e-mail that blocking former government executives from taking jobs in the private sector could backfire.

“More restrictive post-employment rules that would effectively ban former public officials from pursuing their private-sector career goals would hurt the government’s ability to attract those talented people willing to do government service,” Scherman said.

A spokeswoman for FERC declined to comment in an e-mail on Jan. 8. The White House declined to comment.

## Alliant, LNG

“I think they’re wrong” Moeller said of the critics. “One of the things I tried to do was not only solve problems but bring people together and I would expect that will be a hallmark of ... and as well.”

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Moeller worked in the Washington offices of Alliant Energy Corp.

and Calpine Corp., and was an energy adviser to Slade Gorton, a Republican who served three terms as a U.S. senator from Washington state ending in 2001.

After departing his FERC post on Oct. 30, Moeller joined Australian-based Liquefied Natural Gas Ltd., a developer of mid-scale LNG projects, as a non-executive director, according to a **statement** from the company.

“This is a well-trod path from regulator to industry, and it’s a well-compensated pathway,” Tyson Slocum, a director of energy at Public Citizen, said in an interview. “It’s disappointing that we continue to allow a system in which powerful special interests can pay good money for former regulators.”

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