

Senate Confirms James Danly as Republican FERC Commissioner

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On March 12, 2020, the U.S. Senate confirmed James Danly for the vacant Republican commissioner seat at the Federal Energy Regulatory Commission, the body that regulates the interstate transmission of oil, electricity, and natural gas.

FERC is composed of up to five commissioners who are appointed by the President and confirmed by the Senate. FERC is a bipartisan body and no more than three commissioners may be of the same political party. Danly was approved by a 52-40 vote and his confirmation gives FERC its maximum number of GOP commissioners, making the partisan divide 3-1.

Background:

Danly, a U.S. army vet, has served as general counsel for FERC since 2017. Prior to that, Danly was an associate at Skadden Arps in the energy regulation and litigation group. He graduated from Vanderbilt University School of Law and also worked as a law clerk for the Hon. Judge Danny Boggs, U.S. Court of Appeals for the Sixth Circuit.

Trump tapped Danly in September of 2019 to fill the vacancy created by the death of former FERC Chairman Kevin McIntyre who passed in January of 2019. However, Trump did not (and has not) put forth a nominee for the open Democratic commissioner seat created by the departure of Cheryl LaFleur in August of 2019. In the past when there are two open seats, FERC nominees have been paired - a Republican and Democrat. That did not occur in this instance.

Significance:

Because FERC needs three commissioners for a quorum to vote on any contested action at the agency, Danly's confirmation will help alleviate any recusal issues.

For more information, please contact a member of [Benesch's Energy Practice Group](#).