

Importance of Regulation and Regulators on Overall Policy at the State And Federal Level – How You Can Be A Winner In the Process of Picking Winners and Losers

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Who We Are At Silent Majority Strategies

- A new kind of advocacy and messaging firm specializing in the energy industry.
- **Mike Krancer (Energy)**
- Nationally-recognized expert in energy law and policy; former Secretary of Pennsylvania Department of Environmental Protection; Of Counsel at Blank, Rome; past Chief Judge at Pennsylvania Environmental Hearing Board; Contributor to *Forbes* on energy issues.
- **Keith Naughton (Politics/PhD, Politics & Public Policy)**
- Expert in politics and political communications; political consultant whose client roster has included Senator Bob Dole, Governor Tom Ridge, Pennsylvania State Senate President Pro Tem Joe Scarnati and several Pennsylvania Supreme Court and Appellate Court Judges; author of the book, *Washington Gold Rush: The Competition for Congressional Earmarks*. Contributor to *The Daily Caller*.



Preview

- **The Administrative Procedure Act**
- **Make No Mistake: Regs Do Pick Winners and Losers**
- **Changing politics of the regulatory process**
 - **How politics impacts regulations and regulators**
- **How regulation and regulators can make or break your business**
- **We have at least three more years of Trump regulators making decisions that have to answer to Trump and his constituency**

Where the public goes
elected officials and
regulators will follow

Administrative Procedure Act (1946): Mandated Opportunity for Participation

- APA of 1946 is the foundational federal rulemaking law
- Requires advanced notice of all federal rule proposals and substantive changes.
- Requires federal agencies to acknowledge and respond to ALL comments.
- Federal agencies must respond, but are NOT required to make changes – however, rarely are all comments completely ignored.
- ALL state rulemaking generally follows APA of 1946.
- Your opportunity to make your opinions heard – so use it!

Proposed Regulations Aimed At You



Regs By The Hundreds (PA State)

- ❖ PA GP-5A air permit for well sites
- ❖ PA Seismicity Regulations
- ❖ New Chapter 78B Subsurface
- ❖ New Permit Fees
- ❖ New Wetlands Guidances Will Kill Pipelines

Regulatory Messaging

Understanding Regulatory Agencies:

- 1) Must maintain logical consistency
- 2) Must address all germane arguments
- 3) Agencies fear losing in Court
- 4) Agencies fear loss of funding and power from legislative or executive action.

Regulatory Messaging

- 1) Disrupt their internal logic**
- 2) Maximize your arguments**
- 3) Set the stage for a Court challenge**
- 4) Message outside the system**

***Help your friends or
they won't be your
friends for long***

Trump's “De-Regulation”

- Not really deregulation at all
- Re-regulation
 - New regulations will replace old ones
 - And there will be winners and losers
- **BOTTOM LINE**: at least three more years of administratively-driven regulatory change is in store.

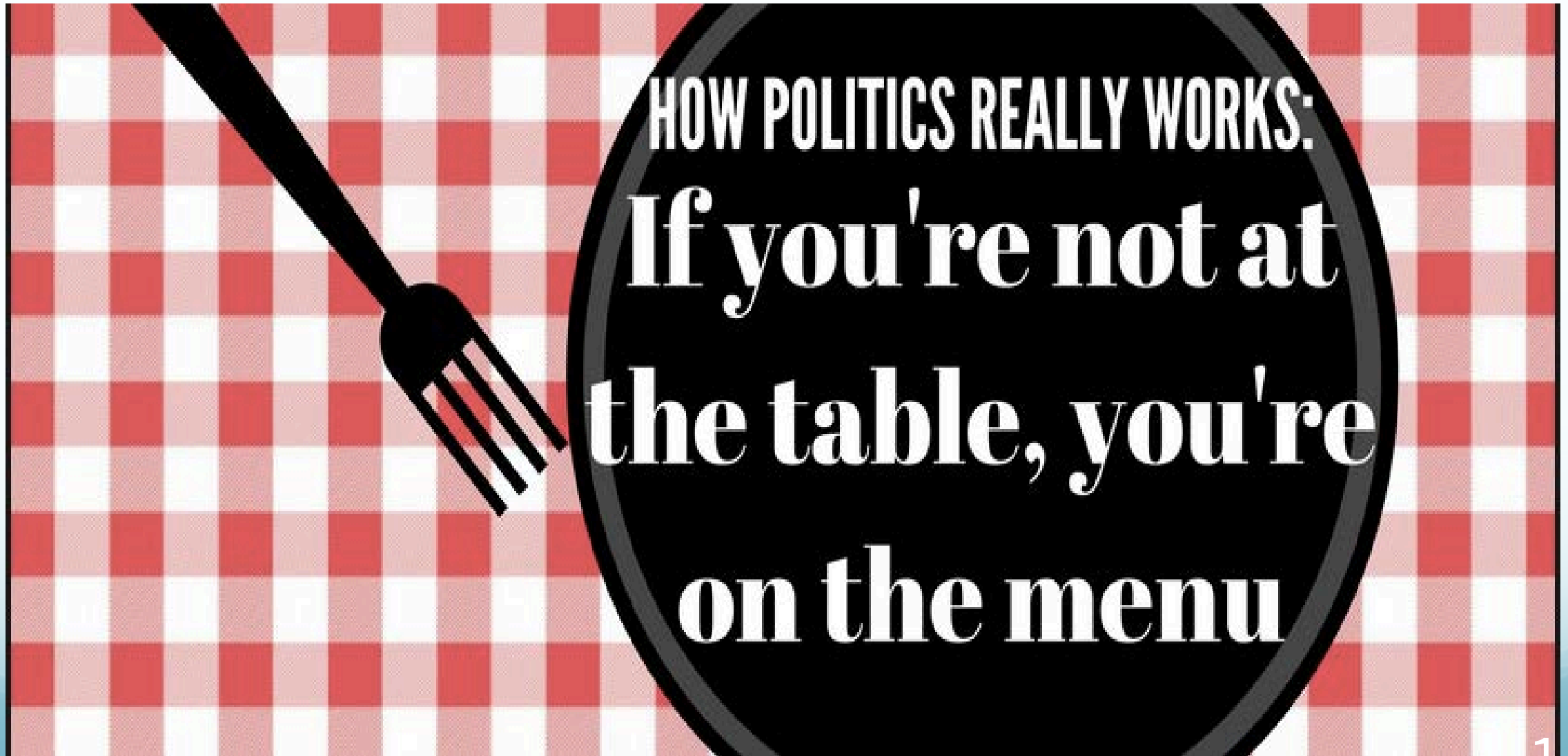
Trump's "Re-regulation"

- **"Two For One" Executive Order**
- **DOE NOPR**
- **Clean Power Plan**
- **Waters of the United States Rule**
- **DOI Oil and Gas Leases**
- **Drones**

Final Thoughts: What Can You Do?

- If you are not heard effectively YOU WILL BE A LOSER
- Make Yourself Heard: Comment smartly on rulemaking; contact your legislators; contact your local elected officials
- Organize Within and Outside the Industry
- More Is Better. Encourage others to speak out: not just employees, but vendors, sub-contractors, your attorneys/accountants.
- Engage in EFFECTIVE Messaging – send messages that change minds.

Final Thoughts: What You MUST Do!!



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