



The Secretary of Energy

Washington, DC 20585

May 4, 2020

The Honorable Kay Ivey
Governor of Alabama
600 Dexter Avenue
Montgomery, Alabama 36130

Dear Governor Ivey:

Last month, the Department of Energy (DOE) sent a letter to you concerning how permitting essential workers within the energy sector to continue providing safe and efficient energy services was of the utmost importance in sustaining our Nation's economy. In addition, the Federal Energy Regulatory Commission (FERC) and the National Association of Regulatory Utility Commissioners took the important step of issuing a joint statement to the states urging that they consider utility workers as essential to ensure access to restricted zones to help protect continued electric service. Today, we both wish to share our appreciation for your swift actions and also highlight additional measures we must now undertake together to ensure those essential critical energy infrastructure workers¹ receive our continued assistance and support, just as their actions support the needs of our public health community at this time.

Ensuring the production, transportation, and distribution of energy to all of our citizenry, critical businesses and government services is essential to good order during this global health and economic crisis. Critical energy infrastructure workers are fundamental to maintaining safe and efficient energy services, serving as the backbone of America's prosperity; generating and distributing the energy that empowers our people and businesses in global commerce and enables public health and safety. Transportation, water, emergency services, telecommunications, and manufacturing represent only a few of the energy sector's critical downstream dependencies. Reliance on energy is a key interdependency amongst all Critical Infrastructure sectors, making energy reliability and resilience a fundamental need for national safety and security.

As the COVID-19 pandemic evolves and has even wider reaching implications, we cannot overstate that the Essential Critical Energy Infrastructure Workforce includes workers from across the energy sector – regardless of the energy source, segment of the system, or infrastructure the worker is involved in – who are needed to maintain the reliability and security of the energy system. In addition to the need for workers and contractors to have continued freedom of movement in restricted and quarantined areas or within states and across state boundaries, it is equally important that this group of workers have access to personal protective equipment (PPE), testing services, and cleaning supplies in a manner that allows for uninterrupted sustainment of this critical lifeline sector.

¹ DHS CISA Memorandum On Identification Of Essential Critical Infrastructure Workers During COVID-19 Response: <https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>

For our part, DOE is working with other Federal agencies to support your state's actions in several key areas that include: continued access for essential workers, waivers for fuel carrier standards and commercial driver's licenses, and priority access to PPE, testing, and cleaning supplies for grid operators. It is our belief that the combination of Federal and state action will limit the risk to energy infrastructure and ensure our Nation receives the energy services it needs to operate securely throughout this national emergency.

In addition, FERC has issued orders and conducted actions including relaxing regulatory burdens and extending filing deadlines, encouraging filings from the regulated community for compliance and cost relief, streamlining the review and approval process through temporary delegation of authorities, and issuing a policy statement making it clear that FERC will give filings made to assure the reliable operation of energy infrastructure the highest priority and expedited consideration during this unprecedented national emergency.

DOE and FERC remain dedicated to working closely with governors, mayors, county officials, and tribal leaders to ensure the safety of the workforce and to ensure the continued operation and security of the energy sector in support of our Nation's economy and the safety of our citizens.

Lastly, we would ask that every opportunity be explored to coordinate closely on local closures that may impact DOE facilities. Our missions often require advanced planning for minimum safe operations at the many labs, plants, and sites, and several classes of employees require in-person access to these facilities in support of mission essential functions in addition to these safety requirements. As an example, five DOE labs are hard at work fighting the virus by supporting the High Performance Computing Consortium that provides COVID-19 researchers worldwide with access to the world's most powerful high performance computing resources that have the potential of significantly advancing the pace of a scientific discovery that stops the virus. Your support for continued access to the labs, plants, and sites allows for this critical work to continue uninterrupted.

Please accept our heartfelt thanks for your perseverance and leadership during the ongoing response to COVID-19. Your efforts in supporting the citizens of this great Nation are sincerely appreciated by every member of DOE and FERC, and you have our full and unwavering support as this national emergency continues to evolve.

Very respectfully,



Dan Brouillette
Secretary
U.S. Department of Energy



Neil Chatterjee
Chairman
Federal Energy Regulatory Commission