

**Statement of Interest for EIM Governance Review Committee**  
**Jennifer E. Gardner**  
**Senior Staff Attorney, Western Resource Advocates**

**INTRODUCTION**

Western Resource Advocates (“WRA”) supports the development of regional energy markets in the West for one reason: markets offer the opportunity to integrate large quantities of renewable energy at least-cost. Some might argue that without any “skin in the game,” an organization like WRA is not necessarily entitled to a seat at the table when decisions potentially impacting the market’s future success are decided. On the contrary, because WRA lacks any economic interest in the outcome of any existing or future energy market in the West, we approach issues of market design and governance from the perspective of an organization that seeks solely to ensure the long-term success of these markets. This socially minded motive, coupled with my technical expertise on market governance and my collaborative approach in committee environments, makes me an excellent candidate for the EIM Governance Review Committee (“GRC”). My employer has committed to making me available for this effort and I am willing and able to put in the time and thoughtful work required.

With nearly nine years of experience working on western-focused market, governance, reliability, and renewable integration issues, I am confident that I am qualified for this position. If selected, I will bring my niche knowledge on market governance to bear and will engage collaboratively with my fellow GRC members the only way that I know how – with respect, professionalism, and open-mindedness. While I certainly prioritize technical solutions and problem solving, for me, nothing ranks above fair process and thoughtful input.

While the EIM’s current governance model has worked well since the EIM’s launch in 2014, more recently, the EIM has experienced rapid growth (most notably in the public power sector) and EIM Entities are considering the addition of day-ahead market services to the EIM’s real-time market. These recent events are significant and warrant the careful and deliberate consideration of governance changes necessary to not only preserve the market’s long-term success, but also, to ensure the independence of the EIM Governing Body in the eyes of all western stakeholders.

**PROFESSIONAL EXPERIENCE**

For the past four years, I have worked for Western Resource Advocates – an environmental non-profit that promotes the deployment of renewable energy, the protection of western lands and rivers, and the enhancement of air quality throughout the Interior West. Currently, I am a Senior Staff Attorney, representing WRA as an attorney and policy advocate before western state public utility commissions, regional energy planning forums, legislative bodies, and regional stakeholder processes addressing issues of both market design and governance.

During my tenure at WRA, I have been heavily engaged in the most recent evolution of western energy markets. This work began with the April 14, 2015 MOU between PacifiCorp and the California ISO to examine PacifiCorp potentially joining the ISO as a Participating Transmission Owner (what eventually became known as the Regional System Operator or “RSO” discussions). Most recently, I have led a coalition of western public interest organizations in submitting comments in both the Day-Ahead Market Enhancements and EIM Governance Review stakeholder processes. Much of this experience has been characterized by a number of leadership roles requiring extensive facilitation – experience that I elaborate upon in the following discussion.

For the past two and a half years, I have served as Chair of the EIM Nominating Committee. This stakeholder committee is charged with nominating candidates for potential appointment to the EIM Governing Body. In this capacity, I also represent the Public Interest and Consumer Advocate Groups sector in these candidate deliberations. My sector representation role has required extensive outreach, education and coordination with my stakeholder sector. My role as Chair has required me to facilitate important and often difficult conversations with my fellow committee members regarding the fitness of candidates for the EIM Governing Body. What is perhaps most remarkable is that this committee has rarely needed to initiate a voting process – rather, we have reached our decisions through consensus a vast majority of the time.

Relatedly, I was recently asked to co-represent the Public Interest & Consumer Advocate Groups sector (along with Cheryl Murray of the Utah Office of Consumer Services) on the EIM Regional Issues Forum. While still new to this role, I have embraced the challenge of working with new colleagues across varying stakeholder sectors to address broader issues of EIM operations that are not currently being addressed in California ISO stakeholder processes. Although this role is perhaps less focused on facilitation than my role on the Nominating Committee, going forward, it will require leadership and effective coordination with my colleague, Ms. Murray, to encourage ongoing engagement and input from our stakeholder sector.

While my leadership experiences on both the Nominating Committee and Regional Issues Forum are most relevant for the position under consideration, I have also spent the past four years facilitating a coalition of western public interest organizations interested in regional market issues. In this role, I host bi-weekly conference calls where our group discusses and debates a wide array of regional market issues – from the implications of adding day-ahead market services to the EIM to the appropriate mechanisms for tracking greenhouse gas emissions in western markets. Along the way, our coalition has submitted numerous stakeholder comments in various California ISO stakeholder processes, including the RSO Transmission Access Charge, Resource Adequacy and Governance stakeholder processes, and most recently, the EIM Governance Review stakeholder process.

## **CONCLUSION**

I have the support of Western Resource Advocates and my colleagues in the Public Interest and Consumer Advocate Groups sector. I understand and value the importance of dependable and consistent commitment required by stakeholder efforts such as this one. If selected, I am prepared to

provide zealous dedication to the important work of the Governance Review Committee, including satisfying all travel and participation requirements. Perhaps most importantly, if selected, I commit not only to doing the work, but to effectively coordinating with my colleagues to ensure that the GRC's final work product has support across all stakeholder sectors and further, that it provides a robust and independent governance model necessary to preserve the EIM's viability now and into the future.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Gardner".

Jennifer E. Gardner  
Senior Staff Attorney  
Western Resource Advocates  
307 West 200 South, Suite 2000  
Salt Lake City, Utah 84101  
O: 801-413-7355 | C: 417-844-8692  
[jennifer.gardner@westernresources.org](mailto:jennifer.gardner@westernresources.org)

**JENNIFER ELIZABETH GARDNER**  
**639 South 900 East • Salt Lake City, UT 84102 • (417) 844-8692**  
[jennifer.gardner@westernresources.org](mailto:jennifer.gardner@westernresources.org)

**BAR MEMBERSHIP**

- Admitted to Utah State Bar, May 2015 (Bar No. 15503)
- Admitted to Colorado State Bar, May 2011 (Bar No. 43248)
- Admitted to Missouri State Bar, September 2007 (Bar No. 60005)

**EDUCATION**

- LL.M., Natural Resources and Environmental Law and Policy, University of Denver Sturm College of Law, 2010 – *Energy Law and Policy Specialization*
- Juris Doctor, University of Missouri-Kansas City School of Law, 2007
- Bachelor of Journalism, University of Missouri-Columbia, 2004 – *Magna Cum Laude*

**PROFESSIONAL EXPERIENCE**

**WESTERN RESOURCE ADVOCATES** – Salt Lake City, UT, 11/15 – Present

- Senior Staff Attorney, 1/18 – Present
- Staff Attorney, 11/15 – 1/18

Promoted to Senior Staff Attorney in January 2018. Responsible for leading and managing Western Resource Advocates' regional energy markets work – including forming strategic partnerships with utility executives and state regulators necessary to promote the successful development of energy markets in the Western Interconnection. Represents Western Resource Advocates as an attorney and policy advocate in various regional forums, including utility regulatory proceedings, energy planning forums, state legislative bodies, and stakeholder processes at both the California ISO and the Southwest Power Pool.

Proven expertise in governance models for electricity markets, electricity market operations and policy, electric grid reliability, rate design for distributed generation deployment, and electric vehicle rate design and policy.

**UTAH GOVERNOR'S OFFICE OF ENERGY DEVELOPMENT** – Salt Lake City, UT, 6/14 – 11/15

- State Energy Program Manager, 6/14 – 11/15

Responsible for managing Utah's State Energy Program – a five-person team responsible for leveraging federal Department of Energy grant dollars to implement effective energy efficiency and energy conservation programming throughout the State of Utah.

Lead facilitator overseeing implementation of Governor Herbert's Energy Efficiency & Conservation Plan – an energy efficiency and conservation roadmap for the State of Utah with 26 total recommendations directed to the Governor's Office, the Utah State Legislature, businesses and households. During tenure, oversaw measurable progress by the Energy Office and its partners on 23 of these recommendations.

Successfully completed Certified Public Manager ("CPM") training program. CPM is a comprehensive management development program for the purpose of improving performance and advancing best practices for managers working in the public sector.

**WESTERN INTERSTATE ENERGY BOARD & WESTERN INTERCONNECTION REGIONAL ADVISORY BODY – Denver, CO, 3/11 – 6/14**

- Attorney & Policy Analyst, 3/11 – 6/14

Developed comprehensive policy and legal analyses for a variety of Western Interconnection-based stakeholders in the areas of electricity transmission, renewable energy integration, market enhancement initiatives, natural gas and electric interface issues, the need for changing utility business models, and the cost and reliability implications of WECC policies, NERC Reliability Standards, and FERC orders. As part of this work, presented regularly to the WECC Board of Directors and the Peak Reliability Board of Directors.

Obtained significant experience in facilitating cooperative efforts with regional entities to achieve common goals at FERC through regulatory filings, as evidenced by FERC's 2013 order approving Section 215 funding for the Reliability Coordination function at Peak Reliability, in which FERC specifically deferred to the recommendations of the Western Interconnection Regional Advisory Body. (Note that this order was subsequently overturned in 2016, in response to a motion filed by the Edison Electric Institute, proposing an alternative funding agreement previously reached by Peak's members.)

**PRIOR PROFESSIONAL EXPERIENCE**

- American Wind Energy Association, Legal Intern – Denver CO, 5/10 – 3/11
- Environmental Protection Agency, Region 8, Law Clerk – Denver, CO, 8/10 – 11/10
- National Conference of State Legislatures, Law Clerk – Denver, CO, 6/10 – 9/10
- Gardner Capital, Inc., Associate Attorney – Springfield, MO, 1/09 – 9/10
- Attorney General's Office, Assistant Attorney General – Jefferson City, MO, 8/07 – 1/09

**PUBLICATIONS**

- Jennifer E. Gardner, *Peer-to-Peer Energy Trading and Blockchain: The Future of Distributed Energy Resources*, Vol. 33 NR&E pp. 8-11 (Spring 2019).
- Jennifer E. Gardner, *The Future of Energy Markets in the Western Interconnection*, ABA Energy Markets and Finance Committee Newsletter pp. 3-7 (August 2018).
- Carl Zichella, Ed Smeloff and Jennifer Gardner, *A Regional Grid Helps, Not Hurts Distributed Renewable Energy*, Greentechmedia.com (April 25, 2018).
- Jennifer E. Gardner and Ronald L. Lehr, *Enabling the Widespread Adoption of Wind Energy in the Western United States: The Case for Transmission, Operations and Market Reforms*, IBA Journal of Energy & Natural Resources Law, Vol. 31, No. 3, pp. 237-285 (August 2013).
- Jennifer E. Gardner, *The Southwest Cold Snap: Extreme Weather at the Gas/Electric Interface*, Vol. 28 NR&E pp. 8-12 (December 2012).
- Jennifer E. Gardner and Ronald L. Lehr, *Wind Energy in the West: Transmission, Operations, and Market Reforms*, Vol. 26 NR&E pp. 13-18 (Winter 2012).
- Jennifer E. Gardner, *The Wind Versus Water Showdown in the Pacific Northwest*, Vol. 15 CCSDE Newsletter pp. 13-15 (December 2011).
- Glen Anderson and Jennifer Gardner, *Hydrogen Fuel Cells: On-Site Energy Generation*, National Conference of State Legislatures, Vol. 18, No. 37 (August/September 2010).

**SPEAKING ENGAGEMENTS**

- WECC Market Interface Committee, Salt Lake City, UT, *Western States' Climate Policies: 2019 Legislative Session Update*, June 27, 2019.
- EIM Body of State Regulators, Salt Lake City, UT, *RTO Governance Models: The Role of States*, April 17, 2019.
- EIM Regional Issues Forum, Albuquerque, NM, *RTO Stakeholder Processes: Principles & Best Practices*, March 11, 2019.
- NARUC Winter Summit, Washington, D.C., *Incrementalism is the Name of the Game: The Future of Power Markets in the West*, February 11, 2019.
- EIM Body of State Regulators, Teleconference, *EIM Governing Body Governance Review*, January 11, 2019.
- Northwestern School of Law Electricity Dialogue, Park City, UT, *Wholesale Markets, States and Renewables: DG, DER & EVs in the West*, November 29-30, 2018.
- EIM Body of State Regulators, Phoenix, AZ, *CAISO's Draft 2019 Annual Plan and Three-Year Roadmap: Response*, October 24, 2018.
- DOE State Energy Program All-Hands Training, Golden, CO, *An Introduction to Regional Energy Markets in the West*, October 17, 2018.
- Energy Policy Institute, Boise, ID, *Environmental Benefits of the Western EIM*, September 6, 2018.
- AEE: Pathway to 2050, Sacramento, CA, *CAISO Energy Imbalance Market*, August 8, 2018.
- University of Denver Sturm College of Law, Denver, CO, *An Introduction to Regional Energy Markets and Recent Federal Actions Impacting these Markets*, June 27, 2018.
- NRDC's Sustainable FERC Project Bi-Annual Retreat, Chicago, IL, *Southwest Power Pool & Mountain West Transmission Group*, November 15, 2017.
- Energy Foundation's National Renewable Energy Advocates Semi-Annual Convening, Salt Lake City, UT, *Strengthening Order 1000: Regional Planning and Transmission for Renewable Energy*, October 18, 2017.
- Joint CREPC-WIRAB Meeting, Reno, NV, *Mountain West Transmission Group & SPP Market Expansion*, October 6, 2017.
- Kinetic Western Energy Markets Seminar, Denver, CO, *Western EIM Overview*, September 14, 2017.
- University of Denver Sturm College of Law, Denver, CO, *Regional Energy Markets: State versus Federal Jurisdiction*, June 20, 2017.
- Colorado Public Utilities Commission: Commissioner Information Meeting, Denver, CO, *Regional Energy Markets*, March 30, 2017.
- State Innovation Exchange: Western Legislators Regional Climate Academy, Denver, CO, *Regional Energy Markets*, December 15, 2016.
- Joint CREPC-WIRAB Meeting, San Diego, CA, *Regional ISO Governance Principles – Response Panel*, November 1, 2016.
- California ISO Stakeholder Symposium, Sacramento, CA, *Western Regionalization: the Environmental Perspective*, September 7, 2016.

- Utah State Legislature, Public Utilities, Energy & Technology Interim Committee, *Live Testimony Regarding the Benefits of a Regional System Operator*, July 13, 2016.
- Joint CREPC-WIRAB Meeting, Salt Lake City, UT, *Regional ISO Design Issues – Roundtable Discussion*, April 26, 2016.
- Western Governors’ Association Drought Forum, National Weather Center, Norman, OK, *Governor Herbert’s 2014 Energy Efficiency and Conservation Plan: What it means for Water in Utah*, September 19, 2014.
- Renewable Energy Law & Policy Summit, University of Denver Sturm College of Law, Denver, CO, *FERC Order 1000 & Non-Transmission Alternatives in the Western Interconnection*, October 18, 2013.
- Joint CREPC-WIRAB Meeting, Reno, NV, *September 8, 2011 Pacific Southwest Outage*, June 14, 2013.
- Renewable Energy World Conference & Expo North America, Long Beach Convention Center, Long Beach, CA, *Analyzing the Transmission, Market and Operations Reforms Necessary to Increase the Integration of Renewable Energy to the Western Interconnection*, February 14-16, 2012.

**APPOINTMENTS, CERTIFICATIONS & VOLUNTEER EXPERIENCE**

- Sector Liaison, Western Energy Imbalance Market Regional Issues Forum (June 2019 – Present)
- Member, WECC MIC Market Expansion Assessment Working Group (March 2019 – Present)
- Chair, Western Energy Imbalance Market Nominating Committee (January 2017 – Present)
- Member, Western Energy Imbalance Market Nominating Committee (January 2016 – Present)
- Guest Lecturer, University of Denver Sturm College of Law – *Renewable Energy for the 21<sup>st</sup> Century: Law, Policy and Markets* (June 2017 – Present)
- Technical Advisory Committee Member, National Renewable Energy Laboratory/Western Interstate Energy Board – *Potential Reliability Concerns Associated with Distributed Solar PV Deployment* (June 2017 – December 2017)
- Advisory Committee Member, Energy Foundation’s National Renewable Energy Advocates Semi-Annual Convening (June 2017 – October 2017)
- Pro Bono Attorney, American Civil Liberties Union (March 2017 – Present)
- Certified Public Manager (May 2015)
- Electricity Transmission Vice Chair, American Bar Association’s Energy Infrastructure & Siting Committee (September 2013 – May 2015)
- Leadership Development Program, American Bar Association (September 2012 – September 2013)
- Executive Energy Leadership Program, National Renewable Energy Laboratory (May 2012 – September 2012)