

# REGULATORY FOCUS

Special Report

November 3, 2010

## ELECTION RESULTS 2010

Gubernatorial and state utility regulatory commission elections held on Nov. 2 will impact the utilities operating in the jurisdictions in which these elections occurred. In 12 of the 52 utility regulatory bodies followed by RRA, commissioners are selected through direct voter elections. Commissioners are elected by the state legislature at two of the agencies. At one agency (the Tennessee Regulatory Authority), commissioners are chosen by the Governor, the Speaker of the House, and the President of the Senate. At another agency (the Massachusetts Department of Public Utilities), commissioners are appointed by the Secretary of the Office of Energy and Environmental Affairs, with the Governor's approval. Commissioners in the remaining 36 jurisdictions are appointed by the chief executive of the jurisdiction.

In this *Special Report* we have assembled data that include election results, the commissioners whose terms expire within the next year, and the commission chairmen who could be affected by a change in administration. The information is included in the tables below. In 28 of the jurisdictions in which gubernatorial/mayoral elections were conducted on Nov. 2, the state's chief executive has the primary responsibility for appointing state utility regulatory commissioners. We note that included in the 28 jurisdictions is the special gubernatorial election held on Nov. 2 in Utah to fill the remainder of the unexpired term of former Gov. Jon Huntsman that extends to January 2013. (Also, in Alaska, a jurisdiction we do not cover, the governor has primary responsibility for appointing state utility regulatory commissioners.)

Table 1 below has been largely reproduced from the table included in our *Election 2010 - Preview* dated Oct. 6, 2010, except that we have CAPITALIZED the name of the winner of the Nov. 2 election and have *italicized* the names of the candidates in the races that were too close to call at the time of publication. In the first column of the table below, we list the jurisdiction, followed by an indication as to whether the commission chairman is chosen by the Governor (GOV), or the Mayor in the District of Columbia. Next we list the length of the gubernatorial terms followed by the names of the candidates, with incumbents indicated by a pound sign (#). If neither candidate is the incumbent, an asterisk (\*) follows the name of the candidate representing the incumbent party. Next, we list the commissioners whose terms expire in 2011, and indicate their political affiliations and the month their terms expire. If the commissioner is presently serving as chairman, a double asterisk (\*\*) has been placed in front of the name. In the last series of columns we display the present political party makeup of the Commission, followed by an indication as to whether minority party representation is required.

**Table 1 -- 2010 Gubernatorial Elections/Commissioners Potentially Impacted**

Jurisdiction- Chairman Selected by	Gov. Term Length	Candidates	Commissioners & Chairmen Whose Terms are Subject to Gubernatorial or Mayoral Action Within One Year	Present Commission Composition			Minority Party Representation Required
				D	R	I	
AR-GOV	4	MIKE BEEBE (D)# Jim Keet (R)	Colette D. Honorable, D, 1/11	2	1	0	No
CA-GOV	4	JERRY BROWN (D) Meg Whitman (R)*	Dian M. Grueneich, D, 1/11 John A. Bohn, R, 1/11	3	2	0	No
CO-GOV	4	JOHN HICKENLOOPER (D)* Dan Maes (R) Tom Tancredo (I)	**Ron Binz, D, 1/11	2	1	0	Yes##
CT-CMR	4	<i>Dan Malloy</i> (D) <i>Tom Foley</i> (R)*	**Kevin M. DelGobbo, R, 6/11 Anthony J. Palermينو, D, 6/11 Amalia Vazquez Bzdyra, R, 6/11	2	2	0	<sup>a</sup> Yes##
DC-MAYOR	4	VINCENT GRAY (D)* --	Richard E. Morgan, D, 6/11	3	0	0	No

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Jurisdiction- Chairman Selected by	Gov. Term Length	Candidates	Commissioners & Chairmen Whose Terms are Subject to Gubernatorial or Mayoral Action Within One Year	Present Commission Composition			Minority Party Representation Required
				D	R	I	
FL-CMR	4	Alex Sink (D) RICK SCOTT (R)*	-- <sup>b</sup>	1	3	1	No
HI-GOV	4	NEIL ABERCROMBIE (D) James "Duke" Aiona (R)*	--	--	--	-- <sup>c</sup>	No
ID-CMR	4	Keith Allred (D) C. L. "BUTCH" OTTER (R)#	**Jim Kempton, R, 1/11	1	2	0	Yes##
IL-GOV	4	Pat Quinn (D)# Bill Brady (R)	--	3	2	0	Yes##
IA-GOV	4	Chet Culver (D)# TERRY BRANSTAD (R)	Krista Tanner, D, 4/11	2	1	0	Yes##
KS-CMR	4	Tom Holland (D)* SAM BROWNBACK (R)	Joe Harkins, D, 3/11	2	1	0	Yes##
ME-GOV	4	Libby Mitchell (D)* Paul LePage (R) Eliot Cutler (I)	**Jack Cashman, D, 3/11	2	0	0	<sup>a</sup> No
MD-GOV	4	MARTIN O'MALLEY (D)# Robert L. Ehrlich (R)	Susanne Brogan, D, 6/11	4	0	0	<sup>a</sup> No
MI-GOV	4	Virg Bernero (D)* RICK SNYDER (R)	Monica Martinez, D, 7/11	2	0	1	Yes##
MN-GOV	4	Mark Dayton (D) Tom Emmer (R)* Tom Horner (I)	Thomas W. Pugh, D, 1/11	2	3	0	Yes##
NV-GOV	4	Rory Reid (D) BRIAN SANDOVAL (R)*	Rebecca Wagner, R, 9/11	0	2	0	<sup>a</sup> Yes##
NH-GOV	2	JOHN LYNCH (D)# John Stephen (R)	Clifton Below, D, 6/11	2	0	0	<sup>a</sup> No
NY-GOV	4	ANDREW CUOMO (D)* Carl Paladino (R)	--	2	2	1	Yes##
OH-GOV	4	Ted Strickland (D)# JOHN KASICH (R)	Valerie A. Lemmie, I, 4/11	3	0	2	Yes##
OR-GOV	4	John Kitzhaber (D)* <sup>d</sup> Chris Dudley (R)	**Raymond Baum, R, 8/11	2	1	0	Yes##
PA-GOV	4	Dan Onorato (D)* TOM CORBETT (R)	Tyrone J. Christy, D, 4/11	3	2	0	Yes <sup>e</sup>
RI-GOV	4	Frank Caprio (D) John Robitaille (R)* LINCOLN CHAFEE (I)	Mary E. Bray, D, 3/11	1	0	2	No
TN-CMR	4	Mike McWherter (D)* BILL HASLAM (R)	**Mary Freeman, D, 6/11 <sup>f</sup> Eddie Roberson, Jr., D, 6/11 <sup>f</sup>	3	1	0	No
TX <sup>g</sup> -GOV	4	Bill White (D) RICK PERRY (R)#	Kenneth W. Anderson, R, 8/11	0	3	0	No
UT <sup>h</sup> -GOV	4	Peter Corroon (D) GARY HERBERT (R)#	Ron Allen, D, 2/11	1	2	0	Yes##
VT-GOV	2	Peter Shumlin (D) Brian Dubie (R)*	**James Volz, 2/11	--	--	--	<sup>c</sup> No
WI-GOV	4	Tom Barrett (D)* SCOTT WALKER (R)	Mark Meyer, D, 3/11	3	0	0	No
WY-MR	4	Leslie Petersen (D)* MATTHEW MEAD (R)	Kathleen A. Lewis, D, 3/11	2	1	0	Yes##

- # Incumbent
- ## No more than two Commissioners may be from the same political party in a three-member Commission and no more than three in a five-member Commission.
- \* Party currently holds Office
- \*\* Commission Chairman
- a One Commissioner does not disclose political affiliation
- b We note that on Sept. 21, 2010, current Florida governor Charlie Crist appointed Julie I. Brown and Eduardo Balbis to four-year terms on the Florida Public Service Commission beginning January 2011, subject to Senate confirmation of their appointments.
- c Commissioners do not disclose political affiliations
- d John Kitzhaber previously served as governor of Oregon from 1995 to 2003.
- e Governor cannot select more than three commissioners from his/her party.
- f Director selection process in Tennessee calls for one each appointed by the Governor, the Speaker of the House, the Speaker of the Senate, and a fourth by all three. Commissioner Freeman's term is the joint appointment and Commissioner Roberson's term is the gubernatorial appointment.
- g Refers to the Texas Public Utility Commission; the state's energy regulatory agency that regulates gas local distribution companies, the Texas Railroad Commission, is an elected body and its chair is chosen by fellow commissioners.
- h In Utah, a special election was held to fill the remainder of the unexpired term of former governor Jon Huntsman that extends to January 2013. Gary Herbert has been serving as interim governor. Utah's next gubernatorial election for a full four-year term will be held in November 2012.

In addition to the gubernatorial races noted in Table 1, Alabama, Arizona, Georgia, Massachusetts, Nebraska, New Mexico, Oklahoma, South Carolina, and South Dakota held gubernatorial elections on Nov. 2, 2010, but in these states the governors do not appoint commissioners. The winners of these elections are listed in Table 2. (Also, a gubernatorial election was held in Alaska, a jurisdiction we do not cover.)

**Table 2 -- 2010 Gubernatorial Elections Where Governor Does Not Appoint Commissioners**

Winning Candidates		
Alabama	-	Robert Bentley (R)
Arizona	-	Jan Brewer (R)#
Georgia	-	Nathan Deal (R)
Massachusetts	-	Deval Patrick (D)#
Nebraska	-	Dave Heineman (R)#
New Mexico	-	Susana Martinez (R)
Oklahoma	-	Mary Fallin (R)
South Carolina	-	Nikki Haley (R)
South Dakota	-	Dennis Daugaard (R)

# Incumbent

In a number of states where gubernatorial elections were held this year, the commission chairman is designated by the governor and serves at the governor's discretion for an unspecified term. Those states in which the chairman is so selected, but the chairman's term as commissioner is not due to expire, are listed in Table 3 below. Following the state abbreviation, we have identified the present chairman, his/her party affiliation, and expiration of term as commissioner.

**Table 3 -- Chairmen Who Can Be Removed From Chairmanship, but Not From Commission**

State	Chairman
AR	Paul Suskie (D), 1/13
CA	Michael R. Peevey (D), 1/15
HI	Carlito P. Caliboso, 6/16 <sup>a</sup>
IL	Manuel "Manny" Flores (D), 1/14
MI	Orjiakor Isiogu (D), 7/13
MN	David Boyd (R), 1/15
NV	Samuel Thompson (R), 9/12
NY	Garry Brown (D), 2/15
OH	Alan R. Schriber (I), 4/14
PA	James H. Cawley (D), 4/15
TX PUC	Barry T. Smitherman (R), 8/13
UT	Ted Boyer (R), 2/15

<sup>a</sup> Comm. Caliboso, who is serving a term that extends to 6/2016, will not be permitted to serve beyond 4/2015, due to term limits.

In several states (including Texas, for the Railroad Commission) commissioner elections were held on Nov. 2. Table 4 on page 4 was reproduced from the Oct. 6 Special Report. In this table we list candidates for commissioners, however, we have capitalized the name of the victors and italicized the names where the race was too close to call at the time of publication.

**Table 4 -- Commissioner Elections**

State	Term Length	Candidates		
		Democrat	Republican	Third Parties
ALABAMA PSC	4	Jan Cook#	TWINKLE ANDRESS CAVANAUGH	--
	4	Susan Parker#	TERRY DUNN	--
ARIZONA CC	4(a)	David Bradley	GARY PIERCE#	--
		Jorge Luis Garcia	BRENDA BURNS	--
GEORGIA PSC	6	Keith Moffett	TIM ECHOLS	Jim Sendelbach (Libertarian)
LOUISIANA PSC	6	LAMBERT C. BOISSIERE#**(b)	--	--
	6	John Schwegmann(b)		
	6	--	CLYDE HOLLOWAY#(c)	--
MONTANA PSC	4	Don Ryan	TRAVIS KAVULLA	--
	4	Ken Toole#	BILL GALLAGHER	--
NEBRASKA PSC	6	--	GERALD VAP#**(d)	--
	6	--	ROD JOHNSON#(e)	--
NEW MEXICO PRC	4	Stephanie DuBois	PATRICK LYONS	--
	4	THERESA BECENTI-AGUILAR#(f)	Gary Montoya	--
	4	<i>Bill McCamley</i>	<i>Ben Hall</i>	--
NORTH DAKOTA PSC	6	Brad Crabtree	KEVIN CRAMER#**	--
OKLAHOMA CC	6	--	DANA MURPHY#(g)	--
SOUTH DAKOTA PUC	6	Doyle Karpen	DUSTIN "DUSTY" JOHNSON#**	--
TEXAS RRC	6	Jeff Weems	DAVID PORTER	--

# Incumbent

\*\* Chairman/President

(a) There were two available seats. The two candidates with the most votes, regardless of party, were declared the winners.

(b) On Oct. 2, 2010, an election was held for the District 3 commissioner on the Louisiana Public Service Commission. Commissioner Lambert C. Boissiere (D) defeated former commissioner John Schwegmann (D).

(c) In District 4, Commissioner Clyde Holloway was unopposed and retained his position for an additional six years (his name did not appear on the Oct. 2, 2010 ballot).

(d) Gerald Vap ran unopposed.

(e) Rod Johnson ran unopposed.

(f) Incumbent Commissioner Theresa Becenti-Aguilar was appointed by the governor on an interim basis to fill an unexpired term that ends at year-end 2010.

(g) Dana Murphy was the victor in the July 2010 primary. Accordingly, there was formal election for this slot in the Nov. 2 election.

In California, voters rejected Proposition 23 (Initiative 1454), a measure that would have suspended the state's greenhouse gas (GHG) reduction law, Assembly Bill (AB) 32, until the unemployment rate in California was 5.5% or less for four consecutive calendar quarters. Enacted in 2006, AB 32 requires GHG emissions to be reduced to 1990 levels by 2020, an approximate 25% reduction from 2006 levels. At the time that AB 32 was enacted, the state's unemployment rate was 4.8%; it is currently over 12%. In addition, during any suspension of AB 32, Proposition 23 would have prohibited any state agency from proposing, promulgating, or adopting any regulation implementing the GHG reduction, and any regulation adopted prior to the effective date of the Proposition would be unenforceable until the suspension was lifted. Proposition 23 could have possibly prohibited the implementation of the California Air Resources Board's new renewable portfolio standard regulation.

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