

To the office of U.S. Representative Troy Balderson

Re: HR 9332 (119th Congress), Load Forecasting Enhancement Act • Latest action (2026-09-16): Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
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Voluntary Grid Forecasting Improvement and State Choice Act

The measure, as described from the official record: Improve the accuracy and transparency of electricity demand forecasts so power stays reliable and affordable for customers.

THE PROPOSAL

The official summary states the bill would create regional boards led by the Federal Energy Regulatory Commission to study electric load forecasting and recommend best practices. The VFA proposal would keep that study function but make it clearly voluntary and time limited. Regional boards would include FERC staff and volunteer state utility regulators. They would publish methods, data assumptions, and best practices for better forecasting.

No state would be required to adopt the recommendations. Each state commission would decide for itself whether to consider them under its own laws and public process. Federal conservation assistance would not be cut off for declining to adopt a practice. States seeking such assistance would describe in plain terms how utilities forecast load and how the public can review those forecasts. That change meets the goal of transparency without federal coercion.

The VFA proposal would add cost control and review. Spending would be capped and drawn from existing funds. The boards would end after five years unless Congress reauthorizes them. FERC would report each year on costs, state participation, and measured gains in forecast accuracy. An independent review would assess results before the sunset date.

This approach rests on Congress's power over interstate electricity markets while leaving retail utility regulation to the states. It protects due process by requiring public notice, open meetings, and published records for board work. It keeps federal action to study, coordination, and reporting, which respects state authority and keeps the focus on reliable and affordable service.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Effective Date	Enactment, with regional boards chartered within 180 days and recommendations to Congress within 24 months
Enforcement Mechanism	No fines or mandates on states or utilities; FERC may publish board findings and state responses, and states certify their own consideration of recommendations under existing procedures with public notice and comment
Funding Amount	Cap of \$15 million total over five years for board operations and technical studies

Funding Source	Existing FERC annual appropriations within the current budget cap, with no new tax or fee
Oversight Body	FERC jointly with participating state public utility commissions, plus annual report to Congress and review by the Government Accountability Office before sunset
Sunset Years	5 years

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3
- Article I, Section 8, Clause 18
- Tenth Amendment
- Fifth Amendment Due Process

Concerns with the measure as written:

- Conditioning existing state energy conservation assistance on new forecasting procedures raises Tenth Amendment and spending-power concerns if the condition is coercive or unrelated to the purpose of the funds.
 - Any federal best practice that becomes a de facto mandate on state utility commissions or private utilities without clear interstate commerce authority and due process protections would raise federalism and Fifth Amendment Due Process concerns.
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

VFA assesses this draft honors Democratic priorities for grid reliability, clean energy planning, and consumer protection through more accurate and transparent load forecasts. It honors Republican priorities for state control over utility regulation, fiscal restraint with a capped pilot budget and sunset, and no federal mandate forcing states to adopt forecasting rules.

CHECK BEFORE RELYING ON THIS

Basis: The Congress.gov summary of H.R. 9332 states the bill directs FERC to create regional forecasting boards, recommend best practices to Congress, require state commissions to consider recommendations, and condition federal conservation-plan assistance on improved forecasting procedures.

The full bill text, current law under cited energy statutes, eligibility rules for federal assistance, appeal rights, cost effects, and interactions with state authority are not stated in the official summary and should be verified at the official Congress.gov bill page before action.

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