

# Legislator Advocacy on Behalf of Constituents and Corporate Donors: A Case Study of the Federal Energy Regulatory Commission

Eleanor Neff Powell\*      Devin Judge-Lord<sup>†</sup>      Justin Grimmer<sup>‡</sup>

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## Abstract

We use letters that legislators write to the Federal Energy Regulatory Commission to study congressional attempts to influence bureaucratic decisions. Analyzing thousands of letters that legislators sent to the agency over nearly two decades, we find that these letters are filled with specific references to companies that legislators seek to assist or about which the legislator's constituents have complaints. We explore which legislators seek to influence the agency, on whose behalf legislators advocate, and the kinds of outcomes they attempt to influence. We find that most individual constituent letters oppose proposed energy projects, but most non-constituent letters advocate in favor of named businesses. Finally, we assess whether legislators' advocacy behavior is related to the campaign contributions they receive from the energy industry. We find that Republicans and those who receive money from the energy sector write to advocate for energy companies, but not their constituents, while Democrats write comparatively more letters in opposition to energy companies. Campaign contributions are much stronger predictors of pro-business advocacy than other kinds of attention to energy issues, such as energy-related constituency service or advocacy against energy projects. For example, a legislator who receives \$200,000 from the energy sector is twice as likely to write advocating on behalf of an energy company than a legislator who received no energy-sector money but no more likely to write on behalf of their constituents or in opposition to an energy project.

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\*Booth Fowler Associate Professor, University of Wisconsin-Madison

<sup>†</sup>Postdoctoral Fellow, Harvard University

<sup>‡</sup>Professor, Stanford University

# 1 Introduction

The extent to which corporate campaign contributions influence elected officials is a central question in American politics. Much of the academic research in this area has focused on whether campaign contributions influence legislators' roll call votes. These numerous studies have produced somewhat mixed results. On the whole, however, the answer appears to be no: that, most of the time, campaign contributions don't influence legislator behavior in the context of a roll call vote. The literature's focus on detecting a potential influence of money on roll call votes is unsurprising given the availability of roll-call voting data. Still, the availability and visibility of roll call votes also make them a poor vehicle for those seeking to quietly influence government decisions without drawing scrutiny from journalists, activists, or constituents.

Compared to the intense scrutiny of roll call votes, scholars have paid much less attention to behind the scenes congressional advocacy and oversight activities, such as when legislators write letters or emails to government bureaucrats urging them toward or against some decision.<sup>1</sup> While these letters are technically subject to federal open records laws, the disclosure process is often slow and laborious, meaning that, in practice, these letters rarely see the light of day and are highly unlikely to draw public scrutiny. Thus, securing a letter of support from an individual legislator may be a preferred vehicle for those seeking to quietly influence specific government decisions through campaign contributions.

This chapter uses the letters that legislators write directly to federal agencies to deeply examine their relationships with one agency—the Federal Energy Regulatory Commission (FERC). We assess the extent to which legislators' letters to FERC are related to constituents' concerns or corporate campaign contributions. Specifically, we investigate whether campaign contributions from political action committees (PACs) linked to corporations in the energy sector are correlated with the number of letters that legislators write to the Commission on behalf of those companies. In essence, this is a question of who are the principals that legislators are advocating for: constituents or corporate donors? We find that Republicans and those who receive money from the energy sector write relatively more letters to FERC on behalf of energy companies but not on behalf of constituents. In contrast, Democrats write comparatively more often in opposition to energy companies.

To some extent, these results capture a general focus on energy issues; the overall number of letters a legislator writes to FERC—not just pro-business letters—is positively correlated with energy-sector campaign contributions both in particular electoral cycles and legislative sessions and over a legislator's career. Yet, there is evidence that elected officials who receive more money from the industry in a cycle write more on behalf of companies than against them in the following legislative session. Legislators that receive more

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<sup>1</sup>This has begun to change in the last few years with recent studies by Mills and Kalaf-Hughes (2015); Ritchie (2017); Lowande (2018); Lowande et al. (2018); Judge-Lord et al. (2018).

money from the energy sector do pay more overall attention to energy issues, but they are also more likely to take a supportive position. Additionally, while most constituent letters advocate against proposed energy projects, most non-constituent letters advocate in favor of named businesses. Campaign contributions are much stronger predictors of pro-business advocacy than other kinds of attention to energy issues, such as energy-related constituency service or advocacy against energy projects.

## 2 Why Study Less Visible Legislator Advocacy to Bureaucratic Agencies

Attempting to study the influence of campaign contributions on political outcomes is fraught with methodological and observational challenges. As two of us (Powell and Grimmer) have written previously, two of the primary challenges to studying the influence of money on the most visible form of congressional behavior (roll call votes) are legality and visibility (Powell and Grimmer, 2016). Regarding legality, as the United States Office of Government Ethics (2013) describes, if something of value is given, offered, or promised with the intent “to influence any official act,” it is illegal behavior on the part of the contributor. Similarly, on the recipient side, if a public official demands, seeks, receives, or accepts an item of value, it is illegal behavior on the part of the legislator. Given threats of prosecution and jail time, we might expect both contributors and politicians to avoid public actions that could be construed in such a way.

And even if an action is legal, it might still create the appearance of impropriety and therefore create an incentive for legislators to obscure it. To the extent that both campaign contributors who might be seeking favors and elected officials who seek campaign contributions are concerned about appearances, we might expect elected officials to avoid taking visible public actions that could be viewed as corrupt. Rather, both the elected officials and contributors should prefer actions that achieve the same end but through less observable means. As we elaborate in the following section, much of the research on money in politics has focused on highly visible outcomes such as roll call votes—the least likely places that these actors would want to connect themselves. In contrast, congressional letter-writing to bureaucratic agencies is much less visible and thus a better place to look for the influence of money in politics. These letters, which we have obtained through labor-intensive Freedom of Information Act requests and web scraping, are not easily accessible to the public, and both legislators and campaign contributors may reasonably assume that these documents will never be subject to public scrutiny. Certainly, they are rarely accessed, and thus those actors hoping to fly under the radar may prefer them to more overt legislative acts.

Indeed, not only are these letters unlikely to see the light of day, but it is reasonable to assume that

constituents would be unlikely to hold a legislator accountable for a letter that may influence a bureaucratic agency to take some action that may result in a policy outcome undesirable to a constituent. This complicated sequence of actions would serve to substantially reduce what Arnold called the “traceability” of the action—i.e., the ability of a citizen to connect a policy outcome back to an individual legislator (Arnold, 1990). First, as Carpenter and Libgober discuss in this volume, government agency decisions often lack traceability—attentive interest groups (and thus citizens) are often unable to trace policy outcomes to agency decisions. Second, as Frances Lee examines in another chapter in this volume, legislators in today’s Congress continue to use procedural tactics described by Arnold (1990) to reduce the traceability of bills, which make it more difficult for citizens to hold legislators accountable. Likewise, because direct legislator communication with government agencies usually escapes public attention, citizens are unlikely to link executive-branch decisions to legislators, even in the rare cases where they are aware of agency decisionmaking.

A further reason to focus on letters that legislators write directly to federal agencies rather than on the more oft studied roll call votes is that many government decisions that affect businesses are made by agencies rather than Congress. If legislators aim to help a donor, their oversight powers may thus often be more useful than their legislating powers. As an independent commission with broad discretion over policy, permitting, and enforcement ranging from price controls on electricity markets to the construction of interstate natural gas pipelines, FERC decisions have major consequences for energy companies.

Legislator letters are better for studying the potential influence of campaign donations because of their specificity and the autonomy with which legislators can write a letter. Roll call votes are often noisy signals because legislation often addresses multiple issues. It may be difficult to assess whether a legislator supported legislation because it helped a donor or for some other reason. Additionally, if a link exists between campaign donations to specific legislators and the behavior of those legislators, we are more likely to see it where legislators have the most latitude. Whereas floor votes are on legislation crafted by increasingly powerful party leaders (see Drutman’s chapter in this volume for a review), legislators have more autonomy in letter writing. This autonomy allows legislators to substitute direct advocacy to the bureaucracy for legislative work when the politics of their chamber prevents them from pursuing their policy goals through legislation (Ritchie, 2017). The specificity and autonomy of legislator letters make them an ideal place to look for the influence of campaign donations.

Finally, before reviewing previous research on the influence of money in American politics, we must add a necessary note of caution about the conclusions we can draw in this chapter. This project is an observational study that looks at the correlation between campaign contributions and attempts to influence the Federal Energy Regulatory Commission through legislative letters. We are limited by our data and can only use cross-sectional designs. That said, our results suggest interesting patterns that deserve to be interrogated

with data that enables more robust research designs.

### **3 Who Are Legislators Serving? Constituents or Corporate Donors?**

In this chapter, we're primarily focused on understanding what motivates legislators when they write advocacy letters to the Federal Energy Regulatory Commission. Are they writing on behalf of constituents (voters) as a form of constituency service? Or are they writing on behalf of corporate interests, and in particular corporate entities that have given them campaign contributions?

#### **3.1 Theory: Why Legislators May Advocate for Constituents?**

To understand why legislators may write letters on behalf of constituents (i.e., performing constituency service), we turn to the broader literature on what motivates Members of Congress? The classic answer comes from Mayhew (1974). In *Congress: The Electoral Connection*, Mayhew argues that re-election is the primary (or at least the proximate) motivation because it is a necessary step to achieve other goals (such as policy or power within Washington). Constituency service activity has traditionally been viewed as a way to improve one's re-election prospects by assisting individual (or groups of) constituents.

As Cain, Ferejohn, and Fiorina (1984) and Cain, Ferejohn, and Fiorina (1987) elaborate, constituency service helps to build a member's "personal vote." Indeed, in their survey of congressional staffers, Cain et al. (1987) found that the overwhelming majority of staffers believed that constituency service activity has electoral payoffs. Mayhew (1974) and Cain et al. (1987)'s theories about the re-election benefits of constituency service would suggest that we should see legislators advocating on behalf of constituents to FERC. But the traditional absence of systematic constituency service data, means that until now we've rarely had the opportunity to study them empirically.

#### **3.2 Theory: Why Legislators May Act on Behalf of Corporate Donors at FERC**

Conversely, the high price of modern congressional campaigns may also mean that re-election-minded legislators may also be acutely aware of the need to serve their campaign donors. While constituency service – helping individual voters – may incrementally (voter by voter) improve a legislator's electoral prospects, the campaign contributions a legislator receives can be used in a myriad of ways to potentially boost a legislator's campaign. While the political science literature disagrees on the impact of campaign spending and political campaigns more generally on electoral outcomes, few politicians would dispute the widely held view among political practitioners that campaign funds help members win re-election.

In line with Arnold's (1979) argument of the anticipated benefits of particularistic spending, elected officials have two kinds of incentives. Elected officials have incentives to advance the interests of potential donors. Projects authorized by FERC may have direct financial benefits to a legislator's district, providing an opportunity to claim credit (Arnold, 1979; Grimmer et al., 2014). Likewise, projects are opportunities for businesses to profit, and thus an opportunity for elected officials to demonstrate their value to potential corporate funders. Within the set of potential energy projects, it is reasonable to expect that elected officials will advocate those in their district and those of potential donors.

### **3.2.1 The Uneven Evidence for the Influence of Money in American Politics**

Extensive scholarship examines the influence of money on American politics. And yet, there is only mixed evidence that money influences the legislative process. The literature has demonstrated that donors appear to contribute in ways consistent with short-term access seeking (Snyder, 1992; Romer and Snyder, 1994; Powell and Grimmer, 2016; Barber, 2016; Fournaies and Hall, 2018).

Yet, the evidence that legislators undertake actions explicitly for donors is limited. There are some exceptions. First, scholarship on contributions to congressional committees finds that corporations donate to pivotal legislators' congressional committees (Powell and Grimmer, 2016; Berry and Fowler, 2016). In addition to showing that donors appear interested in short-term access-seeking and contribute to those members influential in policy areas relevant to their business interests, work by Kalla and Broockman (2016) shows that donors are more likely to get meetings with key members of Congress. This finding is again consistent with this short-term access-seeking behavior. Yet, there is a considerable gap between taking a meeting with a donor and actually advancing their interests. Overall, this literature fails to connect contributions to specific actions by legislators.

Scholars have also investigated whether campaign contributions influence roll-call votes in Congress (Ansolabehere et al., 2003; Roscoe and Jenkins, 2005; Calcagno and Jackson, 1998; Chappell, 1982; Conley and McCabe, 2012; Engel and Jackson, 1998; Fleisher, 1993; Grenzke, 1989; Milyo et al., 2000; Jones and Keiser, 1987; Kau and Rubin, 1982; Langbein and Lotwis, 1990; Lessig, 2011; Moore et al., 2013; Neustadt, 1990; Saltzman, 1987; Stratmann, 1991, 1992, 1995, 2002; Wawro, 2001; Wright, 1985, 1989, 1990, 2004). Although the findings aren't entirely consistent in this area, the vast majority of studies fail to find an impact of campaign contributions on roll call voting. Given that both campaign contributors and elected officials may be concerned by issues of legality and visibility, highly visible roll call votes are an unlikely place to find a correlation between campaign funding and legislator behavior.

There is relatively little work specifically examining the links between campaign contributions, legislators,

and the bureaucracy.<sup>2</sup> This is surprising because it is an intuitive location to look for campaign donors seeking influence; these less visible areas of policymaking are where we would expect to find corporate influence (Hall, 1996). Further, bureaucrats have a strong incentive to reply to legislators' requests. They have this incentive because legislators have both oversight powers over federal agencies and because legislators can influence agencies' budgets. And as a result, we expect that donors may contribute to legislators to subsidize their efforts creating a relationship between campaign donations and behavior. Thus letters from legislators to bureaucrats may be a promising potential avenue for those seeking to quietly influence government policy in a given area in that the letters are unlikely to receive public scrutiny and often involve relatively obscure federal agencies that aren't well known or understood by the public.

## 4 Why Study the Federal Energy Regulatory Commission?

Like many agencies within the federal bureaucracy, The Federal Energy Regulatory Commission (FERC) makes policy and enforcement decisions that have major consequences for jobs, lives, profits, and the cost of the commodities it regulates. FERC regulates electricity markets, oil and gas pipelines, hydropower projects, and liquified natural gas export projects. The Commission's decisions have major implications for business profits and the consumers they serve. For example, because many natural gas pipelines cross state lines, FERC largely controls pipeline market entry. Similarly, because electricity grids are regional, conflicts between electric-generating companies and state regulators or regional transmission organizations are often appealed to FERC. FERC regulations and their application thus impact the prices that consumers pay for electricity, the reliability of the electric grid, and the ability of new companies to enter markets largely controlled by FERC-authorized and regulated monopolies.

In many ways, FERC is a hard case to find congressional influence. It was designed to be largely insulated from political influence. FERC is self-funding. It is authorized to collect revenue by the Federal Power Act (FPA) and the Omnibus Budget Reconciliation Act of 1986. These revenues fully offset FERC's appropriations, potentially making FERC more independent from Congress than agencies who must compete for limited tax revenue.

FERC is also more independent from presidential power than most agencies, further insulating it from political negotiations between Congress and the President. While technically in the Department of Energy, FERC is structured as an independent non-partisan commission. The five commissioners are appointed to staggered 5-year terms, and no more than three can be from any one party. A majority of the Commission

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<sup>2</sup>One notable exception is Gordon and Hafer (2005), which develops a formal model of the strategic and signaling complexity of these relationships and finds that large corporate donors overseen by the Nuclear Regulatory Commission are both less compliant and less monitored by the bureaucracy.

at any given time may not have been appointed by the sitting president, and even when the president has appointed a majority, the Commission may not support the administration’s priorities. For example, in 2018, the Commission, a majority of whom were appointed by President Trump, rejected the administration’s proposal to provide special support for coal and nuclear power plants by requiring consumers to pay higher rates for electricity from these sources.

Yet, like many agencies, FERC receives hundreds of letters from Members of Congress each year. Because FERC’s decisions are so consequential to energy company profits, its record-keeping for external communication is meticulous, presenting a particularly good opportunity for a case study of congressional letter-writing where we can be confident that the data are relatively free from the selection problems that plague records of congressional correspondence with other federal agencies.

## 5 Letter Writing & FOIA Data

To examine the relationship between campaign contributions and letter-writing activity, we assemble a new dataset of legislator-agency contacts covering a wide array of government agencies and the broadest time frame to date. We submitted over 400 Freedom of Information Act (FOIA) requests for all records of communication from Members of Congress and their staff to all cabinet departments, their component agencies, and 34 independent agencies for the period from 2007-2018. We also used web scraping to gather all publicly available records. For some agencies, like FERC, that have more careful document retention, the combination of FOIA requests and web scraping yielded a longer time frame. In this chapter, we analyze all letters written to FERC between January 1, 2000, and December 31, 2018. The other agencies included in the data presented in Figure 1 generally have data for 2007 and 2018.

As of August 2020, all departments except for the State Department have provided records to us, though the majority of Department of Justice components have not yet released records to us. As for independent agencies, we are waiting on records from the SEC, FLRA, CFPB, CIA, and Appalachian Regional Commission. The remaining 28 independent agencies have provided records, though some are still in the process of reviewing and releasing additional records. Of these, 18 have been sufficiently cleaned and coded. All of the FERC data have been carefully cleaned and hand-coded. In all, we have filed 421 FOIA requests, yielding 487,890 observations.

Upon receiving records, we extracted names matching variations on the names of members of Congress and matched them to other datasets such as ideology scores (Lewis et al., 2018), committee membership (Stewart and Woon, 2017), and committee oversight (Lewis and Selin, 2012). We also made a considerable effort to verify and update committee membership data.

In this chapter, we draw on both general patterns of legislator letter-writing across all agencies and particularly on letters sent to the Federal Energy Regulatory Commission. For the Federal Energy Regulatory Commission, we obtained all 7600 letters received by FERC and marked “congressional” since 1990. Most, but not all of these, are from Members of the U.S. Congress. For this chapter, we focus on 6,230 of these letters from 2000-2018. Many of these letters are co-signed, which for the purposes of this chapter (identifying patterns in contacts between legislators and FERC), we are treating as equivalent to writing the letter. Including the co-signed letters yields 6,001 member-level observations for 2000-2018 that we have thus far connected to campaign donations from the energy sector. In Appendix B, we include examples of FERC letters.

## 6 What Are Congressional Letters to FERC About?

First, we identify the interests on whose behalf members of Congress advocated. We classify letters into four categories: (1) Constituency Service on behalf of an individual, (2) Constituency Service on behalf of a for-profit Corporation, (3) Letters on behalf of a nonprofit or local government, and (4) letters about policy issues. To classify such a large volume of letters, we relied on a combination of hand-coding and some inductively-developed automated coding rules applied to letters that were not classified by human coders.<sup>3</sup> For example, letters that mention “rulemaking” were automatically classified as policy unless a human coder classified them differently.

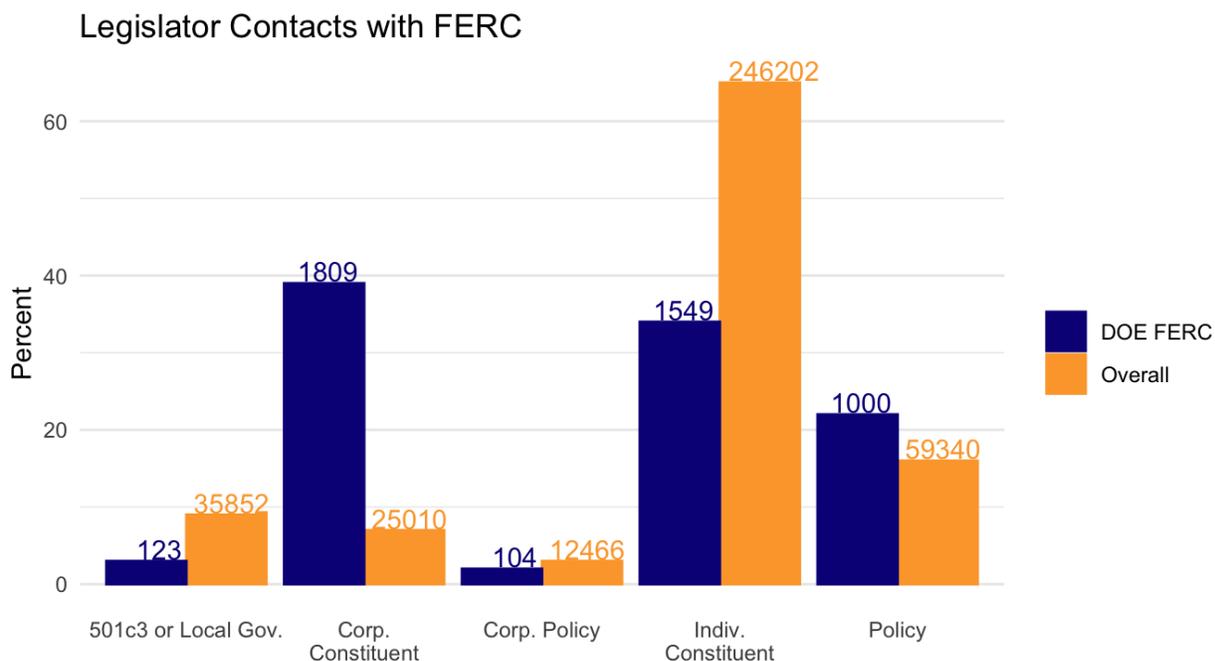
We consider constituent service as broader than casework. For example, we coded Senator Rubio asking the IRS for special treatment for residents of hurricane-affected parts of Florida as “Individual Constituent Service.” We note these “hard cases” to illustrate the boundaries of our coding scheme. Most contacts were more easily parsed into either individual casework or policy work related to hearings, regulations, and legislation.

Classifying letters addressed to each agency allows us to compare patterns of congressional advocacy targeting FERC to congressional letter-writing targeting other agencies. Figure 1 shows how letter-writing to FERC compares to letter-writing to all other agencies. The x-axis shows our four categories of letters: 501c3 nonprofits or local government, corporate constituent, individual constituent, and policy. The y-axis shows the percentage of letters of each type. The dark bars show the percents of each type of letter written

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<sup>3</sup>We developed a [codebook](#) to classify correspondence by type and to identify referents such as agency rules, hearings, or legislation. Our coding process began with the authors coding a representative sample of records. We then trained undergraduate RAs, graduate RAs, and free-lance coders. The first several thousand letters or log entries were double coded. For example, of over 10,000 log entries for the Environmental Protection Agency, the first 2,500 were double-coded with an inter-coder agreement of 0.9 where coders did not flag their coding as uncertain and .78 overall. Throughout the hand-coding process, we also developed subagency-specific coding rules where certain regular expressions indicated certain types of correspondence. For example, where “rulemaking” consistently indicated that a legislator’s request involved an agency rule, all cases yet uncoded by hand for that agency that included the word “rulemaking” are assigned to type “Policy-Rulemaking” for the present analysis.

to FERC (part of the Department of Energy), and the lighter bars show the overall percentages across all agencies in our data. The numbers on top of each bar are the total number of letters that these percentages represent. For example, to interpret the figure, across all agencies, over 70% of letters were written on behalf of constituents (144,162 letters), but for FERC, only about 35% of their letters were written on behalf of constituents (1,459 letters). Across all<sup>4</sup> agencies, most letters are written on behalf of individual constituents, followed by letters on behalf of local governments or nonprofits, followed by policy-related letters, and finally letters on behalf of corporate constituents. (Judge-Lord et al., 2018).



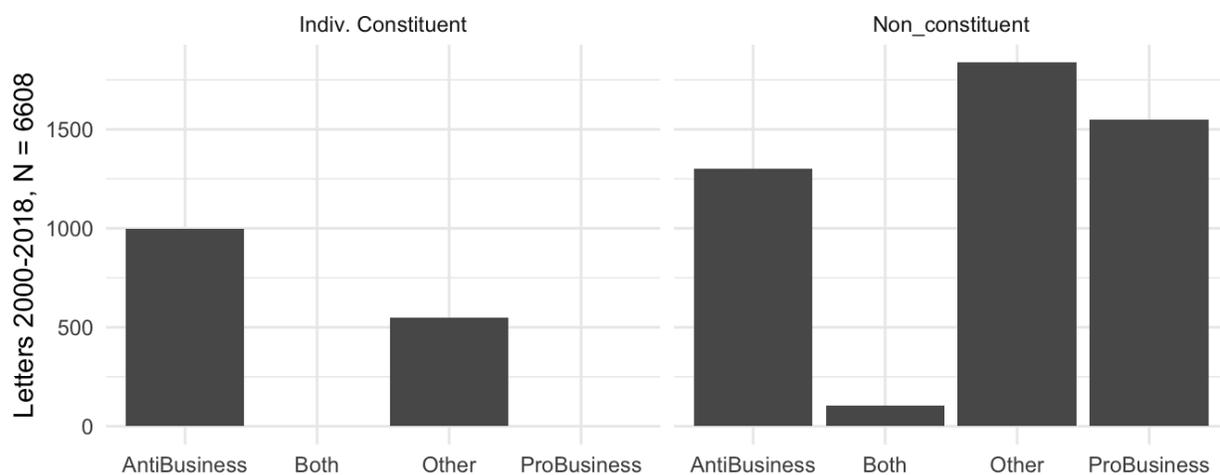
**Figure 1: The Distribution Across Types of Congressional Requests FERC vs. All\* Agencies.** The x-axis shows our four categories of letters: 501c3 (i.e. non-profit) or local government, corporate constituent, individual constituent, and policy. The y-axis shows the percentage of letters that were of that type. The dark purple bars are for letters written to FERC (which is a subsidiary of the Department of Energy) and the mustard color bars are for the overall averages across all agencies that we have previously coded. The numbers on top of each bar represent the total number of letters represented by the percentages.

In contrast to the broader patterns we observe in letter-writing to all agencies, we find very different patterns of letter-writing to FERC. We observe much less individual constituent service and advocacy on behalf of local governments and nonprofits and much greater levels of corporate advocacy and policy-related work. Notably, across all agencies, letter-writing on behalf of corporate constituents is the least common

<sup>4</sup>We say all agencies here to indicate all the agencies that we have currently processed. While we do not believe there are systematic differences between the agencies we have and have not processed, these numbers are subject to change as we process additional data.

form of letter-writing activity, nearly 45% of the letters to FERC are on behalf of individual for-profit corporations.

We can learn more by considering not just on whose behalf the letter is written but also what the letter is advocating for or against. In Figure 2 below, the left panel looks only at letters written on behalf of an individual constituent and shows our coding of letters into four categories: Against a named business (Antibusiness), In favor of a named business (ProBusiness), Both against and for named businesses, and Other. It is worth noting that Other here is a catch-all category that may include advocating for or against specific regulations that may benefit (or harm) a business, but no individual business names were mentioned in the letter. The right-hand panel breaks down letters into the same four categories but only looks at letters not written on behalf of individual constituents (i.e., all other types of letters, including those written on behalf of corporations).

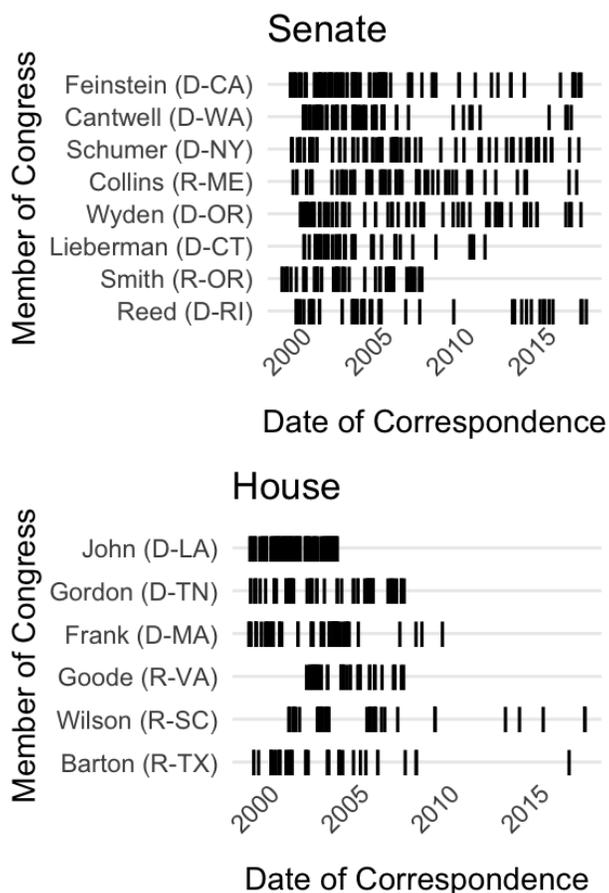


**Figure 2: What Types of Letters are Supportive of Businesses?** The left panel shows letters written to FERC on behalf of individual constituents. The right panel shows letters written to FERC on behalf of non-constituents. The bars show what those letters were arguing for, broken down into four categories: against a named business (Antibusiness), in favor of a named business (Probusiness), both for and against named businesses (Both), and Other (other is a catch-all category that may include advocating for or against specific regulations which may benefit (or harm) a business, but no business names were mentioned in the letter).

In sum, Figure 2 provides strong evidence that most constituent letters are advocating against businesses rather than in favor of businesses. In contrast to the constituent letters, most non-constituent letters advocate in favor of named businesses.

## 7 Which Members Attempt to Influence FERC?

We begin our exploration of which legislators attempt to influence the Federal Energy Regulatory Commission by examining the legislators most active in their communications with FERC. These figures use data from 2000-2018. Figure 3 below shows the most active legislators and their letter-writing activity over time (2000-2018). The top panel shows the most active Senators, and the bottom panel shows the most active Representatives. Each hash mark indicates the legislator wrote a letter on that date.<sup>5</sup>



**Figure 3: Legislators Writing the Most Letters to FERC.** The top panel shows the Senators who wrote the most letters to FERC and the bottom panel shows the Representatives who wrote the most letters to FERC. Each hash mark indicates the legislator wrote a letter on that date. Note that many members listed in the table weren't in the chamber for the entire period, so blank stretches at the end or beginning of the line may indicate the member was out of office during that period.

As the bottom panel of Figure 3 shows, Rep. Virgil Goode was one of the most active House letter-writers

<sup>5</sup>Readers should be aware that some of the members listed in the table weren't in the chamber for the entire period, so blank stretches at the end or beginning of the line may indicate the member was out of office during that period.

to FERC.<sup>6</sup> Interestingly, his letter-writing activity was largely focused on FERC with over 67% of his total letters (across all agencies) written to FERC. During the period when he wrote the most letters, electric utility companies (which are overseen by FERC) were one of his greatest sources of campaign contributions. The letters Rep. Goode wrote to FERC illustrate the challenge of linking issues discussed in the letters to campaign contributions. Rep. Goode's letters mention the Smith Mountain Project and Appalachian Power. These are a subsidiary company and a project related to the same parent company American Electric Power (also referred to as AEP).

## 7.1 Variation in Advocacy for Constituents and Business by Party and Majority Status

One striking feature of legislator advocacy to FERC is that Democrats and Republicans behave differently, and they behave differently when they're in the Majority versus when they're in the Minority. When Republicans controlled the Majority, they wrote approximately 60% of their letters to FERC on behalf of named businesses. In contrast, when the Republicans were in the Minority, those ratios flip, and they wrote nearly 70% of their letters on behalf of constituents.

We observe very different letter-writing patterns for the Democrats. When the Democrats are in the Majority, they write approximately 65% of their letters on behalf of constituents—notably different than Republicans in the Majority who were primarily advocating on behalf of companies while in the Majority. When Democrats lose majority status, their advocacy behaviors change; they write more than half of their letters on behalf of businesses. While both parties change their behavior when they move from the Majority to the Minority, the change in behavior is substantially greater for Republicans.

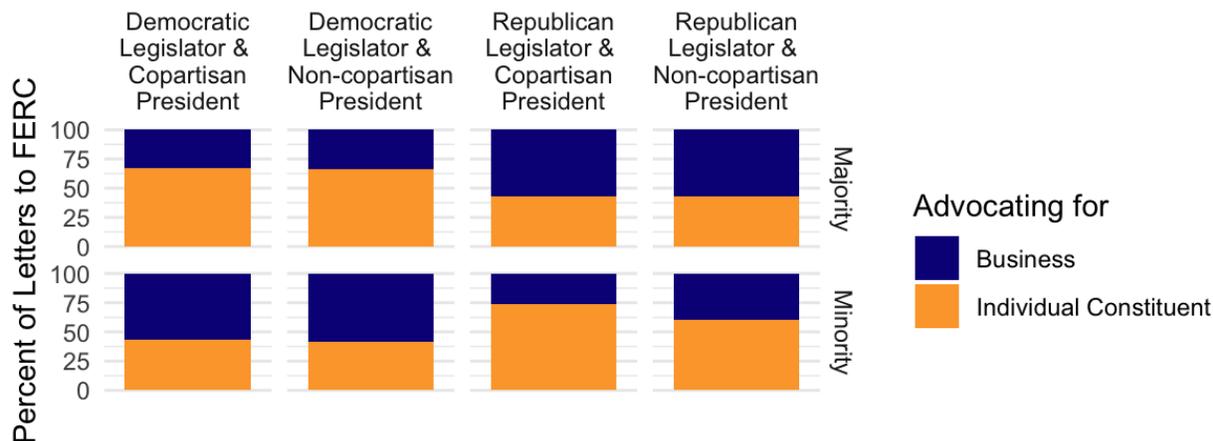
The variation by majority status is largely explained by changes in pro-business advocacy. The overall volume of letters on behalf of individual constituents is relatively consistent across parties and congresses. In contrast, where Republicans were in the Majority or and Democrats in the Minority, both parties made a higher volume of requests on behalf of businesses.

To further interrogate the relationship between party and majority status, Figure 4 shows how legislators advocating to FERC on behalf of business and individual constituents varies by party, whether the legislator was in the Majority or Minority and whether the legislator was a member of the president's party. The two plots in the upper left corner show the percentage of advocacy on behalf of corporations and individuals for Democrats while they were in the Majority of their chamber. The far upper left plot shows how a Democratic legislator behaves during unified government (the legislator's party is in the majority and there

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<sup>6</sup>Also of note is that Rep. Goode is one of the relative few party-switchers in recent congresses. He switched from a Democrat to Independent prior to the 2000 election and then switched from Independent to Republican prior to the 2002 election.

is a co-partisan president), and the plot closer to the middle in the upper left corner shows a Democratic legislator behaves when in the majority but with a Republican president (divided government).



**Figure 4: Who Writes on Behalf of Constituents vs. Business? By Legislator Party, Majority Status, and President Partisanship.** The two plots in the upper left corner show the percentage of advocacy on behalf of corporations and individuals for Democrats while they were in the Majority of their chamber. The far upper left plot shows when the legislator was a member of the president’s party, and while the plot closer to the middle shows when the legislator was not a member of the president’s party. The upper right-hand plots show the proportions of advocacy on behalf of corporations and individuals for Republicans while they were in the Majority. The far-right upper plot shows when the legislator was not a member of the president’s party, and while the plot closer to the middle shows when the legislator was a member of the president’s party. The lower plots show the same proportions for when Democrats and Republicans were in the Minority.

Interestingly, neither the volume of pro-business advocacy and nor the ratio of advocacy on behalf of individuals and companies varies by the party of the president’s administration. Figure 4 shows consistency in the percentage of letters from each party when the president is a co-partisan and when the president is not. For example, the top-right two plots show that when Republicans were in the Majority, they did similar (higher) levels of advocacy on behalf of businesses under both Democratic and Republican presidents. Likewise, the bottom-left two plots show that when Democrats were in the Minority, they did similar (higher) levels of advocacy on behalf of businesses under both Democratic and Republican presidents.

In any given congress, a legislators’ letters on behalf of individuals are often driven by many constituent’s reactions to one or two specific energy projects. It only takes one proposed energy project to generate a large volume of constituent mail. For example, in the 107th Congress, when Democrats were a majority in the Senate, Senator Bob Gram (D-FL) sent 22 letters to FERC requesting FERC’s response to constituent concerns. Many were on behalf of individuals in his district who were upset by a pipeline expansion proposed

by Florida Gas Transmission (an Enron Affiliate). Similarly, in the 110th Congress, when Republicans were in the Minority in the Senate, Richard Lugar (R-IN) sent 19 letters to FERC requesting that FERC respond to his constituents' concerns, all of them opposing the proposed Rockies Express gas pipeline. In the same Congress, Representative Arcuri (D-NY) sent FERC ten letters, all relaying concerns from constituents about the proposed Millennium Pipeline Project. While these members were from different parties and different states, the pattern of constituent advocacy was the same; many constituents were all upset about the same project.

In contrast, when legislators write to FERC on behalf of businesses, each letter usually represents a different company or project. A large volume of pro-business letters thus represents advocacy on behalf of a large number of companies and projects. For example, in the 115th Congress, when Republicans held a majority in the House, Representative Mooney (R-WV) wrote twelve letters on behalf of businesses, each advocating for a different oil or gas pipeline project. Most of the companies were not located in Mooney's district, and several projects were not even in West Virginia. For example, Mooney advocated for three pipeline proposals from TransCanada, a major Canadian oil and gas company that controls 25

While these data suggest that, during this period, both Democrats and Republicans do more pro-business advocacy when Republicans control the chamber, we want to be careful about the conclusions we draw from this limited observational data. One potential explanation could be that there are more proposed energy projects when Republicans are in the Majority and thus more pipelines and other projects for which legislators from both parties may advocate. This would explain higher levels of pro-business advocacy by both Democrats and Republicans when Republicans are in the Majority. Future research should examine this potential relationship and, likewise, the puzzling lack of relationship between legislator advocacy and partisan control of the White House and FERC.

## 8 Demand Driven Letter-writing?

One of the challenges of our approach to studying legislative letter-writing to federal agencies is that we don't observe the demand for letters from constituents or businesses. In an ideal world, we would account for the level of constituent demand for legislator advocacy. However, since our project covers both the U.S. House and the U.S. Senate, we can take advantage of the large differences in state population to proxy for the demand for letter-writing from constituents. For example, in 2018, the most populous state of California had a population of 39,557,045, while the least populated state of Wyoming had a population of only 577,737 (Wikipedia, 2019). Thus California's population is approximately 68 times that of Wyoming, and it is not unreasonable to assume that California's senators receive more requests for constituency service than

Wyoming’s senators.

In our broader research across federal agencies, we typically see senators from larger states doing more constituency service than senators from smaller states. Figure 5 below shows average Senate letter-writing by state population. The top panel shows Senate letter-writing to all agencies in which we observe this positive relationship between state population and Senate letter-writing to all agencies. The bottom panel shows the relationship between state population and only Senate letter-writing to FERC.<sup>7</sup> The figures include lowest smoothing trend lines and 95% confidence intervals.

Comparing letter-writing to all agencies (the top panel) to letter-writing only to FERC (the bottom panel), in Figure 5, we see a weaker relationship between a state’s population and letter-writing to FERC than we observed in the agency-wide data as a whole. While Figure 5 shows the name and state of high-letter writing outlier Senators, it is difficult to identify the number of letters coming from each state in the figure. To more clearly highlight what states show the highest level of senatorial letter-writing, Figure 6 shows the number of Senate letters to FERC by state. The left panel shows a heat map for the total number of letters written to FERC from senators from that state, while the right panel shows a heat map for senatorial letter-writing to FERC adjusted by the state’s population (per million residents). The lighter colors show a higher intensity of senatorial letter-writing from that state.

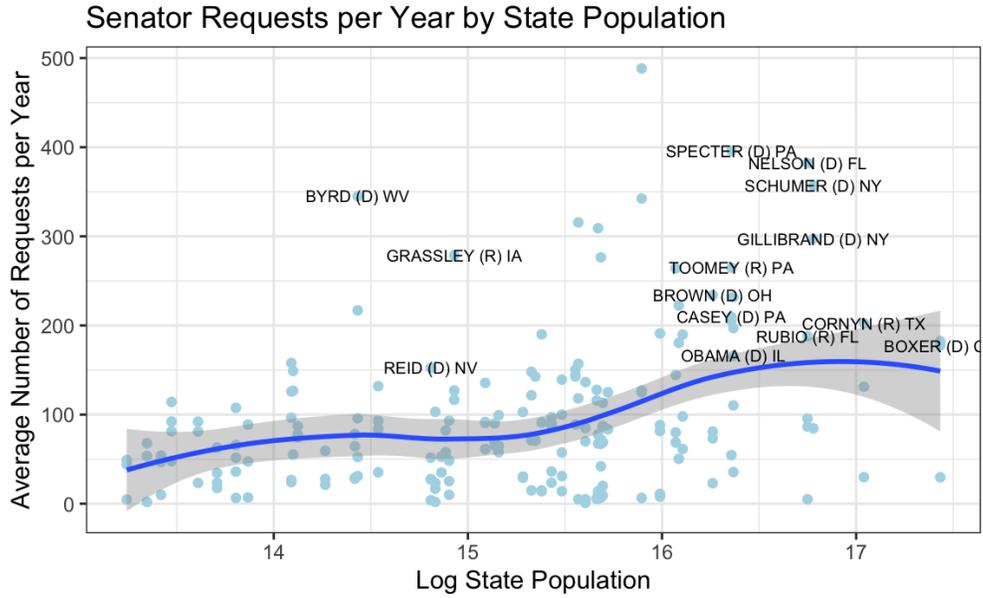
As we saw in Figure 5, there is only a weak relationship between state population and senatorial letter-writing to FERC. The left-hand panel of Figure 6 shows that while some senators from highly populated states write a lot of letters, such as senators from California and New York, other highly populated states such as Florida barely register. Once we adjust for state population (a rough proxy for constituent demand) and turn our attention to the right-hand panel in Figure 6, we see that Senate letter-writing from California and New York no longer stands out.

After adjusting for state population, we see that the most active letter-writing Senate delegations hail from Maine, Vermont, Wyoming, Rhode Island, and Montana. While some of these population-adjusted state leaders may be a surprise, others seem consistent with the role the energy sector plays in each state’s economy. For example, Wyoming is per capita the top energy-producing state in the country with substantial reserves of oil and natural gas (Wyoming State Geologic Survey, 2019). Western state officials and their congressional delegations are also known to be particularly active on electricity grid policy, where there have recently been high-profile conflicts between state regulations and FERC regulations (personal correspondence with Ben Serrurier, Senior Manager of Market Development at an electric power developer).

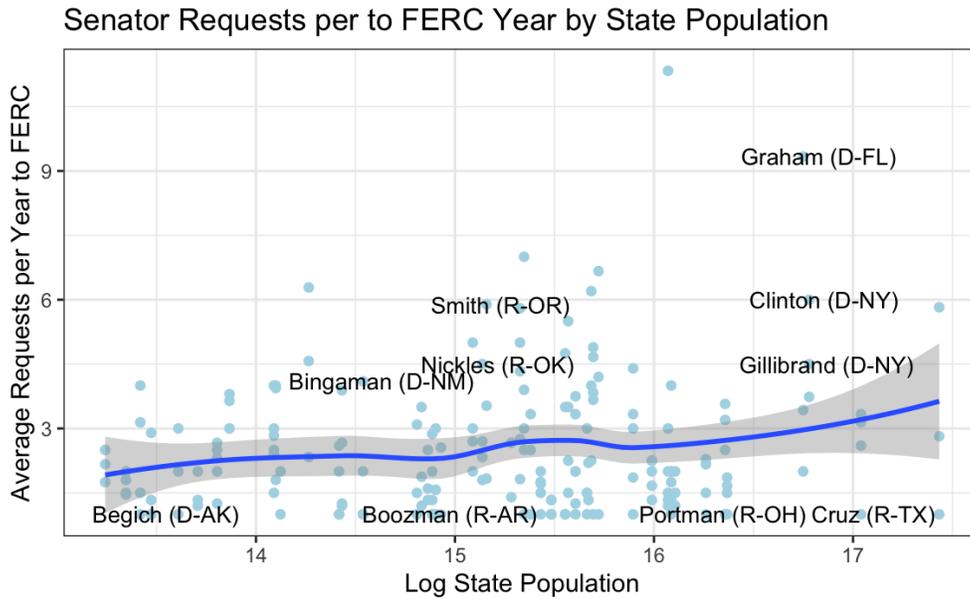
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<sup>7</sup>Note the differences in y-axis scales between the two panels of this figure.

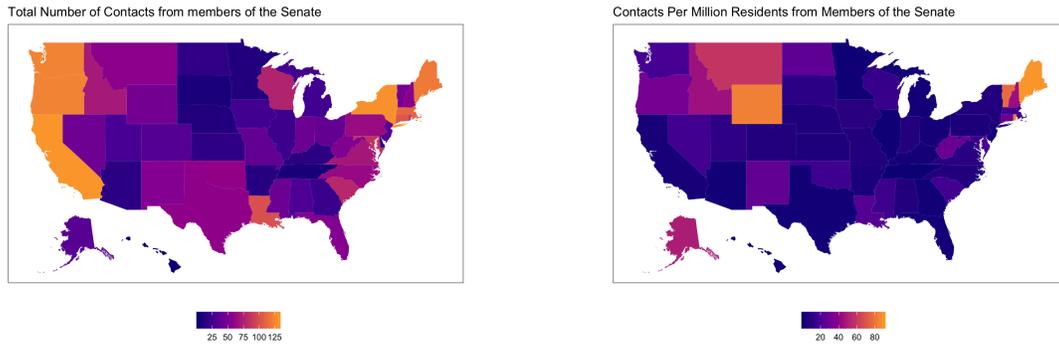
(a) Letters to All Agencies



(b) Letters to FERC



**Figure 5: State population and Senate Letter-writing.** The top panel shows average Senate letter-writing to all\* agencies by state population, and the bottom panel shows the average Senate letter-writing to FERC by state population. The figures include a lowess smoothing trend line and 95% confidence intervals.



**Figure 6: FERC Contacts from Senators by State.** The left panel shows the total number of FERC contacts from senators by state. The right panel shows the contact per million residents from senators by state. Lighter colors show greater letter-writing activity.

## 9 The Relationship between Advocacy and Campaign Contributions

We focus on the relationship between Political Action Committee (PAC) contributions from the energy sector to a legislators campaign and the legislator’s letter-writing activity to FERC. We identify relevant PACs using industry codes assigned to each PAC by the Center for Responsive Politics. Given our focus on the Federal Energy Regulatory Commission and the jurisdiction of that Commission, we include in our totals all political action committees that the Center for Responsive Politics classifies as linked to companies in the Oil, Gas, or Energy sector, excluding those involved in energy extraction or manufacturing (since FERC does not regulate extraction). We create an industry-specific total of PAC contributions to a given member in an election cycle. Collectively this covers 428 PACs in the energy sector, which we then match to their PAC contributions received by each Member of Congress.

Figure 7 below shows the average amount a member received in each election cycle from all energy sector PAC contributions combined. The figure reveals that the average legislator receives considerable support for their campaigns from energy-sector PACs. To put these numbers in perspective, in 2016 the average winning House race cost \$1.5 million and the average winning Senate race cost \$12 million, thus the over \$700,000 the average Republican received from energy PACs is a substantial element of the party’s fundraising base (Center for Responsive Politics, 2021).

Figure 8 below shows the dramatic cross-party variation in support from the energy industry. Figure 8 shows that Democrats received substantially less money from the energy sector. For example, in the 2012 election cycle, Democrats received approximately a third of what Republicans did from the energy sector.

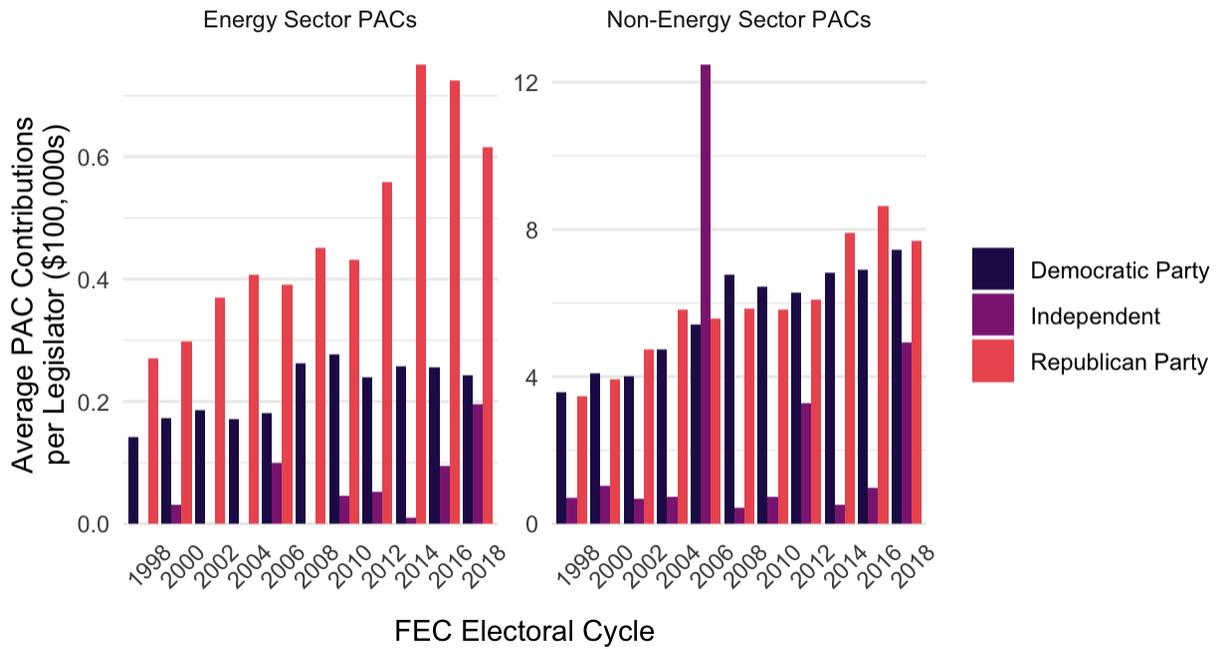


Figure 7: Average Energy Sector PAC Contributions Per Member Per Cycle.

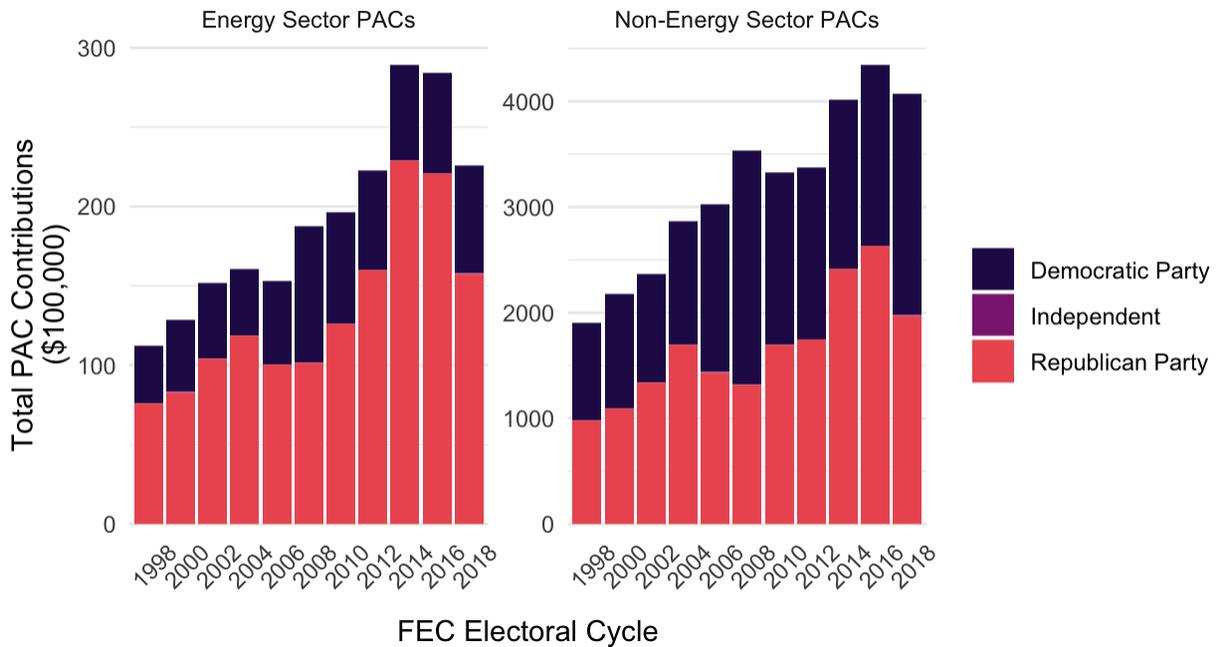
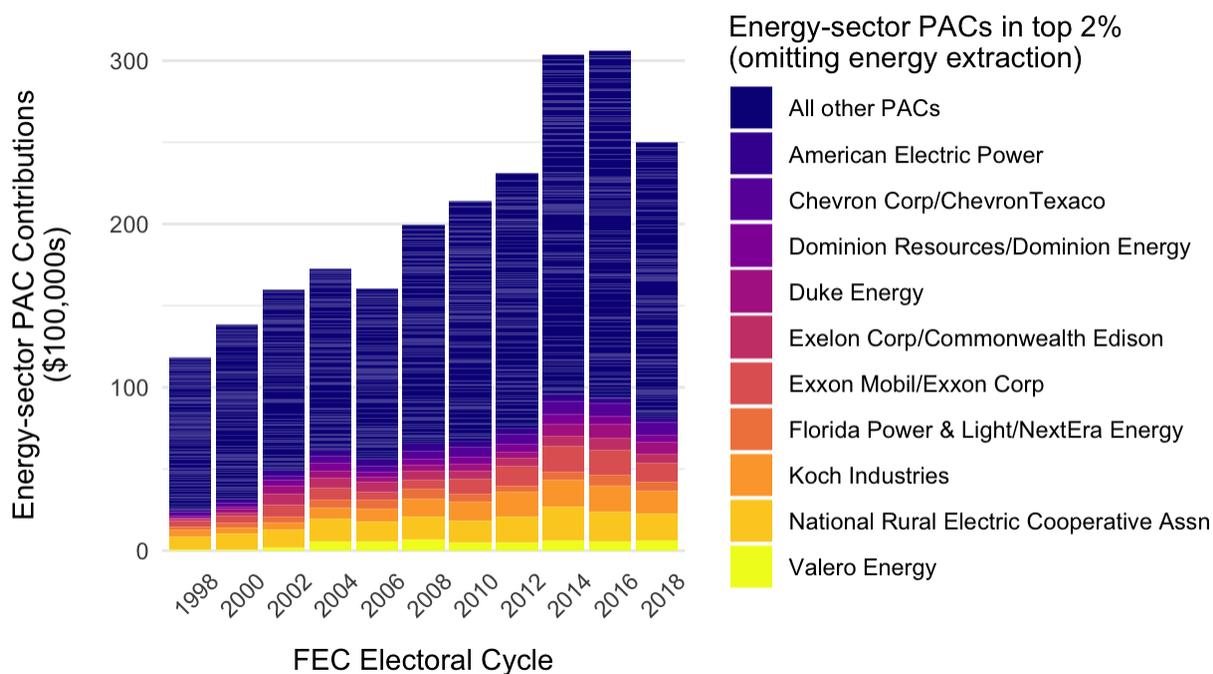


Figure 8: Cross-Party Differences in Campaign Contributions from Energy Sector PACs (left) and Non-energy Sector PACs (right). Note: The y-scales differ.

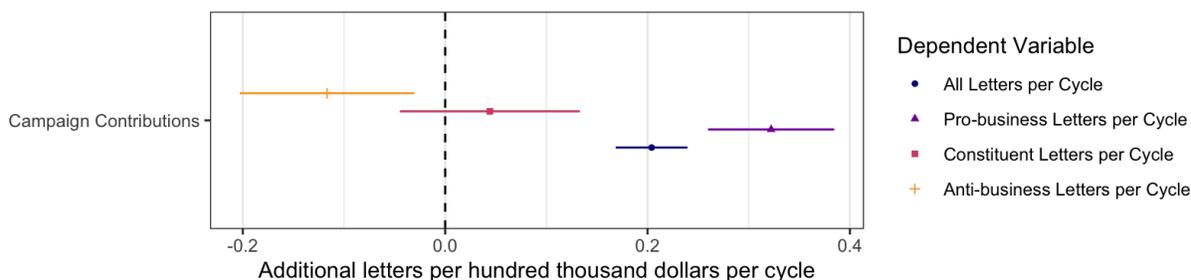


**Figure 9: Unequal Money Across Energy Sector PACs.** The ten PACs that comprise the top 2% of energy PACs (omitting energy extraction) contribute a disproportionate share of the energy industry’s contributions. The contribution activity of those PACs across election cycles is highlighted in individual colors.

We also observe substantial inequality across energy-sector PACs in how much money they contribute to congressional campaigns. Figure 9 highlights the money that the ten PACs that comprise the top 2% of energy PACs. The most active energy-sector PAC in the 2012 cycle was the Bechtel Company PAC, which contributed well over half a million dollars to members of Congress in that cycle. The energy-sector PACs with the largest contributions in the 2018 cycle were the National Rural Electric Cooperative, Koch Industries, and Exxon. These differences across PACs and the often diverging goals of competing companies suggest that linking specific PACs to the companies and projects mentioned in the congressional letters to FERC may be a promising area for future research. In the concluding section, we discuss how we plan to pursue this line of research.

Having established that energy sector political action committees spend substantial sums of money on congressional campaigns, we now ask whether member-level variation in campaign funding from the energy sector is correlated with variation in legislator’s letter-writing to FERC. The dependent variable in each model is the number of letters written by a legislator in a congress, either on behalf of energy-sector businesses, opposing energy-sector businesses, on behalf of individual constituents, or all of the above (i.e., the “type” of letter). In Figure 10, we see the coefficient and 95% confidence intervals for energy industry PAC

contributions on letter-writing activity to FERC. These models are bivariate Poisson regression models in which each color represents a different dependent variable (the type of letter).<sup>8</sup> The full regression tables for this model are in Table A1 in the Appendix.<sup>9</sup>



**Figure 10: Bivariate Models - Campaign Contributions and Letter-writing to FERC.** These figures show the point estimate and 95% confidence intervals for the energy industry PAC contributions on letter-writing activity to FERC. Each color represents a different dependent variable (a different type of letter). The full regression tables for this model are in Table A1 in the Appendix.

The bivariate campaign contribution and letter-writing regression results in Figure 10 show a positive relationship for overall letter-writing to FERC per cycle and Pro-Business Letter-writing to FERC per cycle. They show a somewhat weaker relationship between Anti-Business Letter-writing to FERC and no evidence of a relationship between constituent letters and campaign contributions. In terms of the magnitude of the effect size, the model suggests that a member who receives \$100,000 dollars in contributions from energy sector PACs writes 0.09 more pro-business letters to FERC in the following Congress compared to a legislator who receives no energy-sector PACs donations.

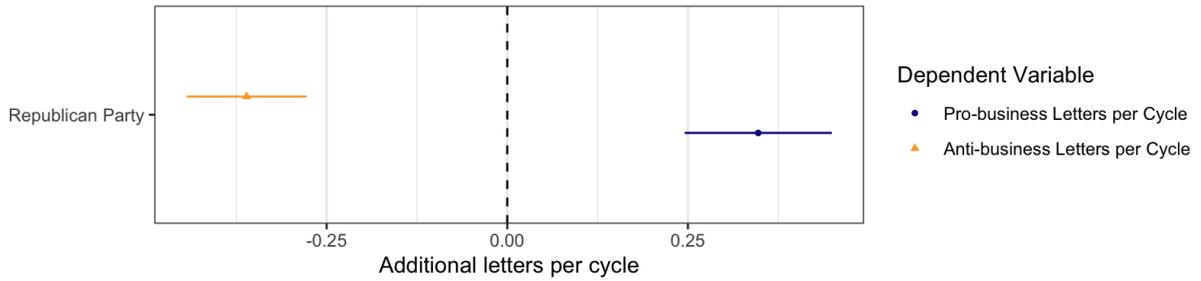
Turning from campaign contributions to party membership, we observed large partisan differences in letter-writing activity earlier in this chapter in (Figure 4). In Figure 11 below, we see a bivariate model looking at the relationship between being a Republican and writing letters to FERC.<sup>10</sup> The results in Figure 11 show stark partisan differences in letter-writing. We see Republicans writing significantly more pro-business letters than Democrats and writing many fewer anti-business letters than Democrats.

Next, we bring both party membership and energy industry PAC contributions into a multivariate model predicting letter-writing activity to FERC. Figure 12 shows the point estimates and 95% confidence intervals

<sup>8</sup>All models presented in this chapter are Poisson regression since all dependent variables are counts of different types of letters. We obtain nearly identical substantive results with OLS regression.

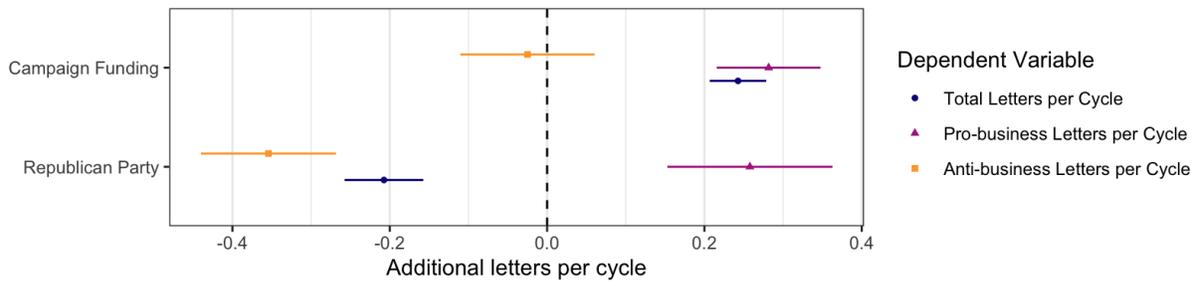
<sup>9</sup>Frequently, the literature on campaign contributions posits non-linear relationships, and in particular, we often see natural log transformation implying diminishing effects of money as the amount increase. Table A3 in the Appendix shows the same bivariate contribution models, but with the contribution amounts transformed using natural logs. Table A4 in the Appendix shows the same bivariate contribution models, but with the total amount of money received from the industry over a member’s entire career.

<sup>10</sup>The full regression model is available in Table A2 in the Appendix.



**Figure 11: Bivariate Models - Party Membership and Letter-writing to FERC.** These figures show the point estimate and 95% confidence intervals for being a Republican legislator on letter-writing activity to FERC. Each color represents a different dependent variable (type of letter). The full regression model is available in Table A2 in the Appendix.

for the coefficients in the multivariate model with both party and energy industry PAC contributions.<sup>11</sup>



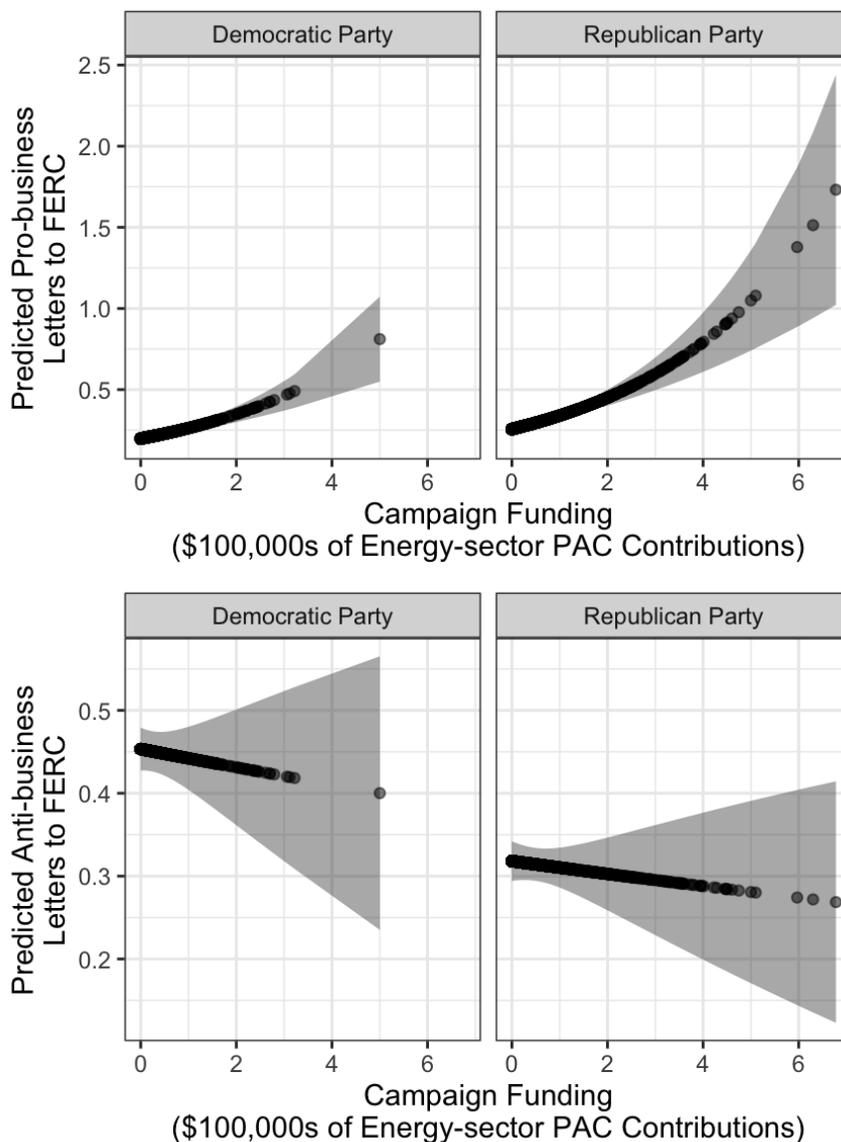
**Figure 12: Multivariate Models - Campaign Contributions, Party and Letter-writing to FERC.** These figures show the point estimate and 95% confidence intervals for the coefficients in the multivariate model. Each color represents a different dependent variable (type of letter). The full regression table is available in Table A5 in the Appendix.

By including both legislator party and energy industry campaign contributions, we see in Figure 12, that energy industry contributions positively predict total letter-writing and pro-business letters, while they do not appear to affect anti-business letters. Again, we find that Republicans write fewer anti-business letters than Democrats.

Figure 13 shows the predicted number of letters that a member of Congress writes to FERC in a Congress given the level of PAC contributions they received from the energy sector in the previous cycle. Because many members do not write to FERC at all, these averages are small. The top panel of Figure 13 shows a steep increase in the average number of letters to FERC on behalf of an energy company for both Democrats and Republicans as the level of PAC contributions (the y-axis) increases. The bottom panel of Figure 13 shows little increase in the number of letters to FERC in opposition to an energy company for Democrats

<sup>11</sup>The full regression table is available in Table A5 in the Appendix.

and no increase for Republicans as the level of PAC contributions (the y-axis) increases.



**Figure 13: Predicted Number of Letters to FERC.** These figures show the predicted values and 95% confidence intervals from the multivariate model of the number of pro-business letters (top) and anti-business letters (bottom). The left panels show the predicted number of pro-business and anti-business letters per Congress from Democrats at the range of PAC contributions received by candidates in our data. The right panels show the predicted number of pro-business and anti-business letters from Republicans for the same values. The full regression table is available in Table A5 in the Appendix.

Figure 14 shows the predicted probability that a member of Congress writes to FERC in a Congress given the level of PAC contributions they received from the energy sector in the previous cycle. The top panel of Figure 14 shows a step increase in the probability of writing to FERC on behalf of an energy company for

both Democrats and Republicans as the level of PAC contributions (the y-axis) increases. The bottom panel of Figure 14 shows little increase in the probability of writing to FERC in opposition to an energy company for Democrats and no increase for Republicans as the level of PAC contributions (the y-axis) increases. The slight positive relationship between energy-sector PAC contributions and letters to FERC opposing energy companies or projects is likely due to a latent interest in energy issues or a prevalence of energy projects in one's district. The much greater correlation between energy PAC contributions and advocating on behalf of businesses may reflect latent interests or district characteristics but also likely reflects the impact of energy-sector campaign funding.

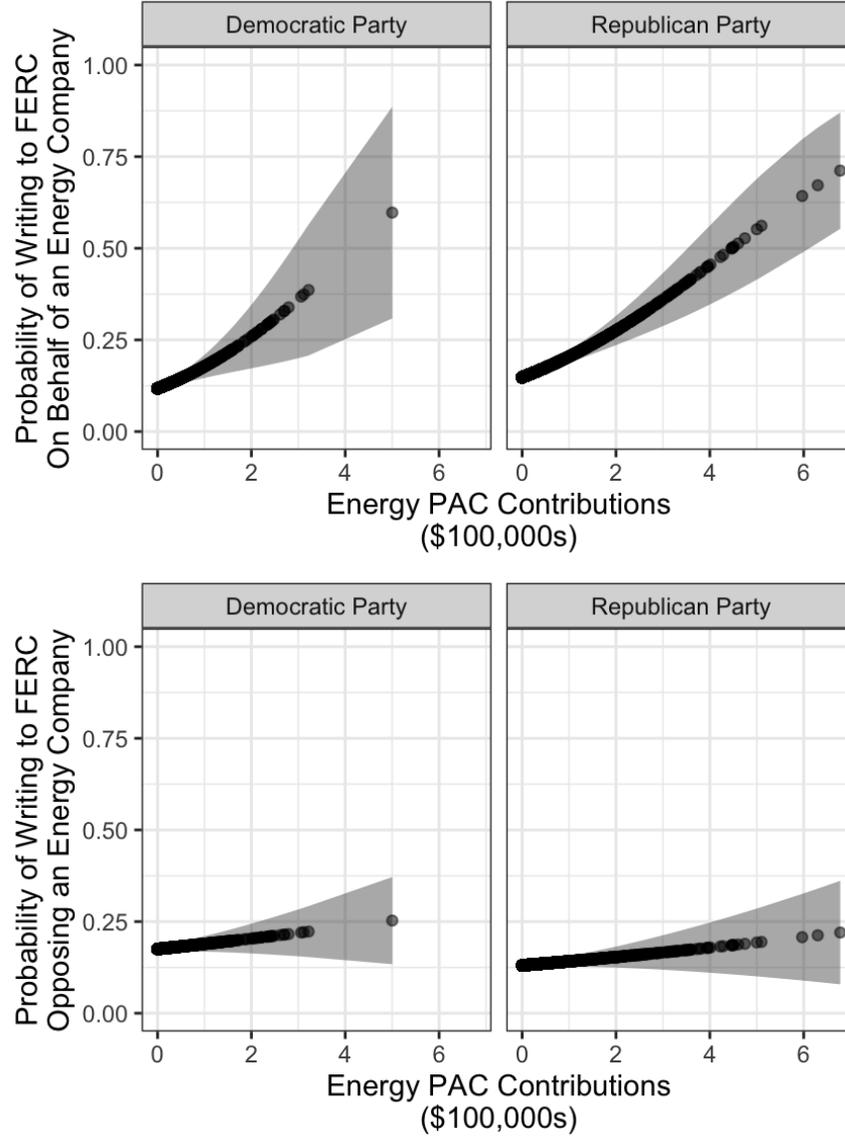
The findings in this section and provide new insights into the relationship between elected officials and PACs. Our results demonstrate that there is a strong correlation between PAC donations and the behavior of legislators. Of course, our results cannot demonstrate that there is a quid pro quo between legislators and PACs. Rather, our evidence shows that there are relationships between legislators and PACs. Legislators receive donations from PACs, and these same legislators advocate for companies at FERC.

## 10 Conclusion

In this deep dive into legislator relationships with one government agency, we find evidence consistent with the expectation that energy industry campaign contributions lead to more pro-business letters to FERC. We believe this chapter represents a starting point for what we can learn about legislator motivations and the impact of money on congressional and bureaucratic relations. In future work, we hope to expand our analysis to other agencies where corporate money may shape advocacy behavior. We also hope to look at the impact of the legislator's letters on the actions taken by the agency—in particular, we hope to focus on the speed of the review by FERC as an outcome, as this is often what companies seek in these requests.

Future research could also investigate other forms of interest group activity (both in the form of other types of campaign contributions such as super PACs and independent expenditures, as well as other reasons why legislators may advocate for corporations. For example, the correlation we find between corporate campaign donations and legislator advocacy may indicate much broader and more complex relationships between elected officials and corporations. For example, donations are likely one part of broader lobbying efforts. In turn, specific lobbying efforts are only one part of the dense relationship between corporations and elected officials resulting from the revolving door between legislators and congressional staffers and corporate lobbying initiatives.

One of the most promising areas of future research is connecting company-specific campaign contributions to FERC letters. On the surface, it would seem that it would be relatively straightforward to link political



**Figure 14: Predicted Probability of Writing to FERC.** These figures show the predicted probability and 95% confidence intervals for a logit model that is identical to the multivariate Poisson model, but estimating whether a member wrote to FERC in a given Congress rather than the number of letters. The top panel shows the predicted probability of writing on or more pro-business letters per Congress at the range of PAC contributions received by candidates in our data. The bottom panel shows the predicted probability of writing one or more anti-business letters for the same values.

action committees associated with individual companies to the companies that legislators mention in letters to FERC. The Federal Election Commission’s rules require that the PAC’s name include the full name of the connected organization (sponsoring company or organization) must appear in the name of the SSF. However, one challenge in this industry area is that if a linked organization has parent companies or subsidiaries, those

names may not be included in the name of the PAC. Thus we need to connect the companies to their subsidiary/parent companies. Furthermore, the letters to FERC often only mention the name of an energy project that is being developed by a company and do not always include the full sponsoring company in the letter. So to be complete, we need to link parent companies, subsidiary companies, and related energy projects.

As an example of the challenge of connecting corporate PACs to companies and projects mentioned in FERC letters, consider the Williams Company. The Williams Company is a Fortune 500 energy company based in Tulsa, Oklahoma, whose primary business is natural gas, but also has subsidiary parts that cover petroleum and electricity generation (Bloomberg, 2019). The Williams Company PAC has been an active contributor to congressional campaigns in recent cycles. In the 2016 election cycle, the Williams Company PAC contributed \$392,000 to congressional candidates, with 7% going to Democrats and 93% to Republicans.

Connecting these contributions to letters written by members of Congress on behalf of the company is more challenging. The Williams Company also owns the Transcontinental Pipeline Company, the Transcontinental Gas Company, and the Transco Pipeline Company. Furthermore, they're the company behind a large number of projects such as the Atlantic Sunrise Project, and the Northeast Supply Enhancement (NESE) Pipeline, among many others. Unfortunately, for our purposes here, the name Williams doesn't appear in their subsidiary companies. Nor does the name Williams appear in the energy projects undertaken by the company. To attempt to link parent companies that have corporate PACs that make campaign contributions like the Williams Company to the projects and subsidiary companies mentioned in the letters, we plan to draw on a combination of news reports and company filings with the Securities Exchange Commission.

While the projects we have outlined here comprise an ambitious research agenda, we believe they represent a collection of concrete steps that will help advance our knowledge in this area. Moreover, we believe that taken together, we can use them to better understand the relationships between legislators and bureaucrats.

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# A Sample Letters to the Federal Energy Regulatory Commission

SUSAN M. COLLINS  
MAINE  
413 DIVISION SENATE OFFICE B-1, LINGG  
WASHINGTON, DC 20510-1904  
7031 JUNE 2008  
(202) 224-7083 (FAX)

United States Senate  
WASHINGTON, DC 20510-1904

COMMITTEE  
HEARINGS AND SECURITY AND  
ENVIRONMENTAL AFFAIRS,  
ARMED SERVICES  
SPECIAL COMMITTEE  
ON AGING

PO Box 655  
Bangor, ME 04402  
April 28, 2008

Mr. Mark Whitenton  
Director, Division of Congressional and  
Federal Energy Regulatory Commission  
888 First Street, NE, Room 11H  
Washington, DC 20426

Fax: (202) 208-2106

Dear Mr. Whitenton:

Senator Collins has been contacted by [REDACTED] Agent for Wilsons on Moosehead Lake in Greenville Junction, ME with a request for assistance. [REDACTED] expressed concern that Florida Energy and Light is attempting to take over the driveway of his business and make it a public way. [REDACTED] states that turning the driveway into a public way would cause his business great hardship and asked that the Federal Energy Regulatory Commission intervene on his behalf.

Senator Collins has a strong desire to be responsive to constituent requests; with this in mind, I have taken the liberty of providing a copy of [REDACTED] letter to Senator Collins to you. Please review this matter and provide any appropriate assistance to assure that his concerns are addressed.

Thank you for your help; if you have any questions, or need additional information, please do not hesitate to contact me at (207) 945-0417.

Sincerely,



Deidre Anderson  
Staff Assistant to  
Susan M. Collins  
United States Senator

Figure A1: Example of Constituency Service Letter. This is a constituency service letter written by Senator Susan Collins (R-ME) to FERC on April 28, 2008.

ALEX X. MOONEY  
2ND DISTRICT, WEST VIRGINIA

FINANCIAL SERVICES COMMITTEE  
SUBCOMMITTEE ON  
CAPITAL MARKETS AND  
GOVERNMENT SPONSORED ENTERPRISES  
SUBCOMMITTEE ON  
MONETARY POLICY AND TRADE

Congress of the United States  
House of Representatives  
Washington, DC 20515-4802

OFFICE OF  
EXTERNAL AFFAIRS  
2017 OCT 19 P 3 10  
FEDERAL ENERGY  
REGULATORY COMMISSION

CHARLESTON OFFICE:  
405 CAPITOL STREET  
SUITE 514  
CHARLESTON, WV 25301  
(304) 525-5864

MARTINSBURG OFFICE:  
300 FOXCROFT AVENUE  
SUITE 102  
MARTINSBURG, WV 25401  
(304) 264-8810

WASHINGTON OFFICE:  
1232 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-2711

<http://mooney.house.gov>

October 12, 2017

Neil Chatterjee  
Chairman, Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

RE: Dominion Energy  
Supply Header Project  
Docket No. CP15-555-000

Dear Chairman Chatterjee,

I am writing to express my support for the Dominion Energy, Supply Header Project that is passing through West Virginia and will improve the transmission of natural gas throughout the region.

With your recent appointment, there are many shovel ready projects that will be of great benefit to West Virginia. I know you share my concern regarding the significant backlog of project approvals—and I know you will work diligently to get these projects moving forward.

These projects in and around West Virginia stand to create over 49,000 good-paying jobs and will help jumpstart the economy in the region.

I hope that the Commission will ensure that local landowner and community interests will be carefully vetted to ensure that the project is completed in a safe and efficient manner.

I support the Dominion Energy, Supply Header Project project and hope you will act swiftly to approve this important project.

Sincerely,

  
Alex X. Mooney  
Member of Congress

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2017-00100

Figure A2: Example of Energy Project Advocacy. This is a letter written by Rep. Alex Mooney (R-WV2) to FERC on October 12, 2017.



**Senator Bob Graham**

**Florida Governor 1979-1987**

**US Senator 1987-2005**

September 30, 2014

Mr. Phillip D. Moeller  
Commissioner  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

RE: Sabal Pipeline PF14-1

Dear Commissioner Moeller,

It has been brought to my attention that in a recent report submitted into the official docket (Access No. 20140910-5159) Sabal Trail has included the following statement located under the Routing/Alternatives Update Section of their report:

“Sabal Trail evaluated the requested changes in the proposed pipeline route on Graham properties and an acceptable route was developed.”

While access was granted to Sabal Trail to conduct civil, environmental and cultural surveys, I would like the record to reflect that Graham Angus in no way supports the route proposed across farm property and has made no such requests or agreements with Sabal Trail regarding this matter.

I appreciate your attention to my concerns and look forward to your confirmation that the matters addressed in this letter have been correctly reported.

Sincerely,

Bob Graham

CC: Acting Chairman Cheryl A. LaFleur  
Commissioner Norman C. Bay  
Commissioner Tony Clark

**Figure A3: Example of Personal Business Interest.** This is a letter written by former Senator Bob Graham (R-FL) to FERC on September 30, 2014, nearly a decade after retiring from the U.S. Senate.

## **B Examples of FERC Letters**

To give readers a sense of the activities FERC regulations and the types of issues raised in congressional letters to the agency, this section presents a selection of examples.

### **B.0.1 Example of Energy Project Advocacy**

As we explore in detail below, many legislator letters to FERC advocate on behalf of an energy project or another corporate interest. In recent years, one of the legislators most focused on advocating for energy-related projects was Rep. Alex Mooney (R-WV). Rep. Mooney was elected to Congress in 2014 and has spent considerable time advocating for energy projects in West Virginia. In the lead-up to the 2016 congressional elections, the Charleston Gazette-Mail wrote an article highlighting the money he had received from energy companies and the approvals those companies were seeking from FERC for various projects under consideration. They wrote, “Dominion is trying to get the Atlantic Coast Pipeline, which would run through national forests in West Virginia, approved by the Federal Energy Regulatory Commission. Columbia Pipeline Group is hoping to have three interstate pipeline projects of its own approved by the same federal agency,”(Brown, 2016, pg. 4). Indeed, our data show that Mooney wrote to FERC more than any other agency, always on behalf of energy projects, mostly pipelines.

In 2015 Rep. Mooney wrote on behalf of Columbia’s Mountaineer XPress Project and Atlantic Coast Pipeline ACP project. In 2017, he wrote on behalf of the Dominion Energy Supply Header Project, National Fuel Gas Distribution Corporation’s Northern Access Project, Transcontinental Gas Pipe Line Company’s Atlantic Sunrise Project, Columbia Gas Transmission’s proposed Eastern Panhandle Expansion Project, Columbia’s WB Xpress Project to build new compressor stations. In addition to the tens of thousands of dollars these companies spent on Mooney’s campaign, the parent companies of these projects spend millions of dollars on lobbying (Kim, 2018).

Figure A2 in the Appendix shows one of the letters written by Rep. Mooney advocating for energy projects. In this case, the letter clearly connects both the name of the project and the name of the company involved with the project. Many letters lack that linkage and list only the project name, leaving us to draw those linkages. Later in this chapter, we discuss how we make those connections across projects, subsidiary companies, and parent companies.

### **B.0.2 Example of Constituent Service Letter**

Another frequently seen type of legislator advocacy to FERC is a constituency service letter—a letter in which the member advocates on behalf of a constituent. Figure A1 in the Appendix shows an example of this type of letter. In this case, we observe Senator Susan Collins (R-ME) advocating on behalf of a constituent who is concerned that Florida Energy and Light is “attempting to take over the driveway of his business and make it a public way.”<sup>12</sup>

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<sup>12</sup>Certain passages of this constituency service letter in Figure A1 have been blacked out. In this case, as we frequently observe in these letters, the constituent’s name and personal information have been redacted for privacy reasons

### **B.0.3 Example of Personal Business Interest**

In some cases, legislators appeared motivated by personal business concerns. For example, in 2014, former Florida Senator and Governor Bob Graham wrote to FERC regarding an issue that affected his family's farming business.<sup>13</sup> The full text of this letter is in Figure A3 in the Appendix.

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<sup>13</sup>See <http://miamilakes.com/AboutGraham/Overview.aspx> for a discussion of Senator Graham's relationship to the farm in question.

## C Regression Result Tables

	Letters to FERC			
	Total	Pro-business	Anti-business	Constituent
	(1)	(2)	(3)	(4)
Campaign Contributions (per 100k)	0.204*** (0.018)	0.322*** (0.032)	-0.117*** (0.044)	0.044 (0.045)
Republican	0.016 (0.015)	-1.492*** (0.030)	-0.926*** (0.025)	-1.373*** (0.030)
Observations	5,997	5,997	5,997	5,997
Log Likelihood	-12,606.460	-4,212.596	-6,183.930	-4,795.028
Akaike Inf. Crit.	25,216.930	8,429.191	12,371.860	9,594.055

*Note:* \*p<0.1; \*\*p<0.05; \*\*\*p<0.01

**Table A1: Bivariate Models - Campaign Contributions and Letter-writing to FERC.** Bivariate Poisson Regression models predicting letter-writing activity to FERC using campaign contributions from the energy industry.

	Letters to FERC	
	Pro-business	Anti-business
	(1)	(2)
Republican	0.347*** (0.052)	-0.361*** (0.042)
Constant	-1.551*** (0.040)	-0.797*** (0.028)
Observations	5,997	5,997
Log Likelihood	-4,228.850	-6,150.971
Akaike Inf. Crit.	8,461.700	12,305.940

*Note:* \*p<0.1; \*\*p<0.05; \*\*\*p<0.01

**Table A2: Bivariate Models - Party and Letter-writing to FERC.** Bivariate Poisson Regression models predicting letter-writing activity to FERC using Legislator's Party.

	Letters to FERC	
	Pro-business	Anti-business
	(1)	(2)
Log Campaign Contributions	0.027*** (0.009)	-0.061*** (0.006)
Constant	-1.601*** (0.087)	-0.435*** (0.051)
Observations	5,997	5,997
Log Likelihood	-4,247.016	-6,135.061
Akaike Inf. Crit.	8,498.032	12,274.120
<i>Note:</i>	*p<0.1; **p<0.05; ***p<0.01	

**Table A3: Bivariate Models - Logged Campaign Contributions and Letter-writing to FERC.** Bivariate Poisson Regression models predicting letter-writing activity to FERC using Logged Energy Industry Campaign Contributions.

	Career Average Letters to FERC	
	Pro-business	Anti-business
	(1)	(2)
Career Total Campaign Contributions (per 100k)	0.018*** (0.004)	0.005 (0.005)
Constant	-1.561*** (0.067)	-1.189*** (0.059)
Observations	1,306	1,306
Log Likelihood	-Inf.000	-Inf.000
Akaike Inf. Crit.	Inf.000	Inf.000
<i>Note:</i>	*p<0.1; **p<0.05; ***p<0.01	

**Table A4: Career Bivariate Models - Campaign Contributions and Letter-writing to FERC over a Member's Entire Career.** Bivariate Poisson Regression models predicting letter-writing activity to FERC using Energy Industry Campaign Contributions.

	Letters to FERC					
	Total	Pro-business		Anti-business		
	(1)	(2)	(3)	(4)	(5)	(6)
Campaign Contributions (100k)	0.243*** (0.018)	0.401*** (0.034)	0.282*** (0.034)	0.260*** (0.093)	-0.025 (0.044)	0.113 (0.072)
Republican	-0.207*** (0.026)	-0.134*** (0.029)	0.258*** (0.054)	0.250*** (0.062)	-0.354*** (0.044)	-0.292*** (0.052)
Campaign Contributions × Republican		-0.211*** (0.041)		0.025 (0.100)		-0.207** (0.091)
Constant	0.104*** (0.018)	0.062*** (0.020)	-1.618*** (0.041)	-1.612*** (0.047)	-0.791*** (0.029)	-0.822*** (0.032)
Observations	5,997	5,997	5,997	5,997	5,997	5,997
Log Likelihood	-12,573.380	-12,560.840	-4,200.879	-4,200.848	-6,150.805	-6,148.318
Akaike Inf. Crit.	25,152.760	25,129.690	8,407.759	8,409.696	12,307.610	12,304.640

*Note:* \*p<0.1; \*\*p<0.05; \*\*\*p<0.01

**Table A5: Multivariate Models - Predicting Different Types of Letter-writing Activity.** Multivariate Poisson Regression models predicting letter-writing activity to FERC.