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June 12, 2009

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The Honorable Henry A. Waxman
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Edward J. Markey
Chairman
Subcommittee on Energy and the Environment
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Waxman and Chairman Markey:

Our Committee has a responsibility to the American people to ensure that when we exercise our Constitutional powers, we do it fairly and in a manner that engenders public confidence and leads to the truth. When citizens appear voluntarily before this Committee to testify, we expect them to tell the truth. Our witnesses, in turn, have every right to expect that in exchange for their honesty with us, they will not be subjected to sanction, retribution and vengeance simply because the facts and opinions they offer do not square with those of the Committee's members. Exercising the power of the Majority requires a special responsibility to protect witnesses.

During Chairman Markey's subcommittee hearing on Tuesday, June 9, 2009, MidAmerican Energy Chief Executive Officer David Sokol testified about his analysis of the probable economic impacts of the pending Waxman-Markey global warming legislation on his customers. His testimony underscored predictions that this bill would result in substantial increases in utility rates to homeowners, businesses, schools and others. As the hearing was still under way, however, Mr. Sokol and his company became the focus of apparent intimidation when Chairman Markey by letter dated the day of the hearing, asked the Federal Energy Regulatory Commission (FERC) to answer specific questions about investment and transmission-related activities of MidAmerican Energy and its parent, investor Warren Buffett.

Chairman Markey's letter demanded a FERC response to two specific questions concerning MidAmerican by June 11, suggesting that he intended to criticize MidAmerican at the Energy and the Environment Subcommittee hearing scheduled for June 12, dealing with transmission line siting. Such alacric bureaucratic efficiency is rarely seen in Washington, but FERC did provide a 12-page response to the first six questions within the two-day deadline. They did not respond to the two specific questions concerning Mr. Sokol, however.

Between Tuesday's allocation hearing and today, Chairman Markey sent a subsequent letter to FERC suggesting that he did not intend to single out MidAmerican; rather, his letter recast Mr. Sokol's perceived offending and inconvenient testimony of June 9 merely as an example, and attempted to redirect FERC to look at all utility holding companies with respect to his questions. An after-the-fact rationalization, however, does not change the appearance that Chairman Markey's June 9 letter to FERC was intended to badger and harass a witness whose offense was merely daring to disagree with Mr. Markey on a matter of professional experience and knowledge.

Mr. Sokol, who voluntarily testified at Congress's request on Tuesday, could assume from his trip to Washington that if you are a good citizen and you agree to testify truthfully before the Congress, you better make sure that your views do not conflict with those of the ruling Majority. Otherwise, you will risk having the Majority abuse its powers by sending a government regulator to harass you and your company.

We have grave concerns about Chairman Markey's actions and their implications for the future. Not only might they damage the reputation of this Committee as being a place where truth is welcomed and honest debate is cherished; it could well make all witnesses think twice before accepting an invitation to appear before us to tell us something other than exactly what the Majority wants to hear. Honest, fair public policy can only be made if a full range of opinions are presented to Congress, not just what the Majority wants to hear.

Sadly, this is not the first time the nation has seen this sort of troubling behavior from its officials. As you know, within the memories of many of us, agents of the Internal Revenue Service and other agencies were systematically dispatched to cow dissidents and smother protest against government policy. Just this week the Chairman of the Senate Finance Committee instructed Democrat health care lobbyists not to meet with Republicans. If a pattern of intimidation and bullying is being created by the Majority party, it is a sad thing. As members of the Minority party, we will do everything possible to stop this emerging pattern.

We implore you to take whatever actions are necessary to make certain that this sorry episode is vacated and never replicated. Rather than trying to explain his way around his specific questions that FERC has not answered yet, Chairman Markey should explicitly rescind his request to have FERC pry into the activities of Mr. Sokol, Mr. Buffett, and MidAmerican. No company in America or its employees should be harassed. We are confident that you agree with us on the basic protection all witnesses before our committee have a right to expect.

Respectfully, we ask for a meeting with both of you at your earliest convenience to address this issue.

Sincerely,



Joe Barton
Ranking Member



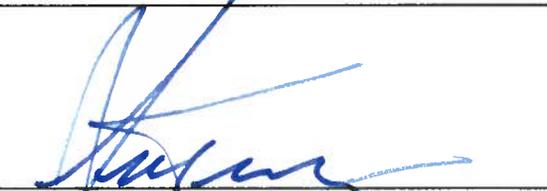














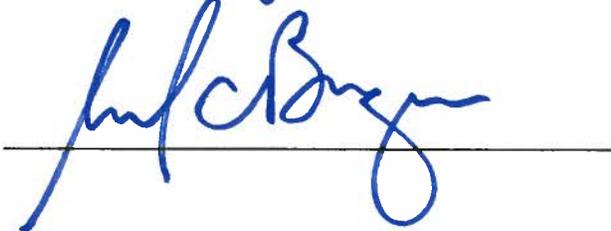














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