

THE LAST FOUR PRESIDENTIAL ADMINISTRATIONS AGREE:

RIGHT OF FIRST REFUSAL LAWS *hurt consumers*



Surprisingly enough, there's an energy policy that both Democratic and Republican presidential administrations believe is harmful to consumers, and that's **Right of First Refusal (ROFR) laws**. ROFR eliminates competition and guarantees consumers pay more for energy. Don't take our word for it — see what the Department of Justice and Federal Trade Commission have said across multiple administrations.

TRUMP ADMINISTRATION (2025)

“By restricting the construction of new power grid infrastructure to incumbent electrical transmission owners, the Bill can harm consumers by reducing or eliminating competition... [T]he threat of competitive pressure from potential rivals will incentivize better outcomes like lower prices for consumers and more robust and innovative project designs. In other cases, non-incumbent firms may offer lower costs, and better project designs, and they should be allowed to compete on the basis of the better value they offer.”

- DEPARTMENT OF JUSTICE, ANTITRUST DIVISION [LETTER](#) OPPOSING IOWA STUDY BILL 1113

BIDEN ADMINISTRATION (2022)

“With a ROFR, consumers will lose the many benefits that competition can bring, including lower rates, improved service, and increased innovation, leading to a more efficient, reliable, and resilient grid. ... Competition for the construction of transmission facilities creates incentives for rival transmission developers to minimize costs—incentives that are not present when construction rights are exclusive.”

- DEPARTMENT OF JUSTICE AND FEDERAL TRADE COMMISSION [JOINT COMMENT](#) TO FERC

TRUMP ADMINISTRATION (2019)

“However, just as a now-eliminated federal ROFR granted by FERC could do, ROFRs granted by state law can restrict entry to develop high-voltage transmission lines, particularly where there would otherwise be

a competitive process. Consequently, such laws can similarly reduce competition and thereby harm consumers. State ROFR laws also may interfere with interstate commerce.”

- DEPARTMENT OF JUSTICE, ANTITRUST DIVISION [LETTER](#)

TRUMP ADMINISTRATION (2018)

“In the instant case, the United States believes that a state law which grants local electricity monopolists the right to obtain new monopolies in transmission projects in interstate commerce, and thereby block entry by potentially out-of-state competitors, unconstitutionally regulates interstate commerce in violation of the dormant Commerce Clause.”

- DEPARTMENT OF JUSTICE [STATEMENT](#) ON LSP TRANSMISSION HOLDINGS, LLC V NANCE LANGE

OBAMA ADMINISTRATION (2010)

“Consistent with longstanding antitrust policy disfavoring regulatory barriers to entry outside of very limited circumstances, the FTC supports elimination of transmission incumbents’ ROFR, not only for projects proposed through the regional transmission planning process, but also for transmission planning processes for individual transmission systems. FERC also should ensure that the standards set for participation in transmission projects by incumbents and non-incumbents alike are not exclusionary in favor of the incumbents.”

- FEDERAL TRADE COMMISSION [COMMENTS](#) ENCOURAGING FERC TO ELIMINATE ROFR

Consumers and small businesses do not benefit from a monopoly, and multiple presidential administrations agree that ROFR policies need to be eliminated. All ROFR does is increase electricity rates and leave fewer choices. It's time to put ROFR in the trash bin and let competition drive down energy prices.