

United States Senate

WASHINGTON, DC 20510

February 12, 2008

The Honorable Jeff Bingaman
Chairman
Committee on Energy and
Natural Resources
United States Senate
304 Dirksen Senate Office Bld.
Washington, DC 20510

The Honorable Pete V. Domenici
Ranking Member
Committee on Energy and
Natural Resources
United States Senate
304 Dirksen Senate Office Bld.
Washington, DC 20510

Dear Chairman Bingaman and Ranking Member Domenici:

The energy bill recently approved by both the Senate and House of Representatives makes important advances for our nation's energy independence and security with increased efficiency and alternative energy development. We are concerned, however, that the National Interest Electric Transmission Corridor (NIETC) program authorized under the Energy Policy Act of 2005 and implemented by the Department of Energy (DOE) and the Federal Energy Regulatory Commission (FERC) does not fully take into account other important options to our national grid such as investments in advanced electrical grid technologies, local generation of clean alternatives, and energy efficiency.

When Congress authorized Section 1221 of the Energy Policy Act of 2005, its intent was not to include such large swaths of land as were recently designated by DOE. Rather, the purpose was to ensure the grid's reliability to prevent potential blackouts in heavily congested regions. Only recently have the impacts become evident with DOE's final designation of the Mid-Atlantic and Southwest Corridors, which include portions of ten states, 220 congressional districts, and affect more than 72 million people.

Broad state and local opposition has arisen, in part, because some assert that DOE has failed to implement the NIETC program in accordance with the statutory requirements of Section 1221 to consult with states prior to designation, assess and evaluate transmission needs and non-transmission alternatives, and comply with existing federal laws protecting environmental quality and public lands. In addition, the Federal Energy Regulatory Commission (FERC) has issued a NIETC ruling that reverses long-standing policy and allows federal preemption of the states' transmission siting authority within the designated Corridors.

Despite receiving more than 2,000 comments of concern, DOE published its final designation of the two Corridors, covering over 116,000 square miles, on October 5, 2007 with only minor changes to the draft proposals. Private citizens, elected officials, public utilities commissions, and groups representing historic, land, and environmental interests have filed petitions in opposition to DOE's NIETC designation process. On December 5, 2007, DOE agreed to reconsider these comments. However, they did not stay the implementation of the program to allow for this substantive review.

In order to avoid continued conflict and adverse consequences, we urge you to take timely action to allow full consideration of the significant national and state implications of the NIETC

program. Congressional oversight is needed now because many of the ten designated states currently have applicable transmission projects pending before their public utility commissions with less than a year for final action before the Federal Energy Regulatory Commission may intervene. We strongly believe that the Energy and Natural Resources Committee must hold hearings and bring all pertinent information to bear on the determination of the broad implications of the NIETC.

Thank you in advance for your consideration of our request. We cannot overstate the importance of the impact of the NIETC program on our constituents and states. We look forward to working with you and your staffs to make sure that this issue and the concerns of our constituents get full and fair consideration.

Sincerely,

Bob Casey, Jr.

Allen DeLoach

Ben Cardin

George V. Voinovich

Frank R. Lautenberg

Chuck Schumer

Shirley

Hillary Rodham Clinton

Sheldon Brown

John Z. Sununu

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