

Draft National Interest Electric Transmission Corridor (NIETC)
Designations;
Comments Received in Public Meeting,
Arlington, VA, Tuesday 15 May 2007



COMMONWEALTH OF VIRGINIA
 HOUSE OF DELEGATES
 RICHMOND

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THIRTEENTH DISTRICT

COMMITTEE ASSIGNMENTS:
 COUNTIES, CITIES AND TOWNS (VICE CHAIRMAN)
 PRIVILEGES AND ELECTIONS
 SCIENCE AND TECHNOLOGY

Tuesday, May 15, 2007, Arlington, Virginia
 Remarks of Delegate Bob Marshall, 13th District

Re: Department of Energy Docket No. 2007-OE-01

Daniel Webster defined "Due Process" in the Dartmouth College Case as "a law which hears before it condemns, which proceeds upon inquiry, and renders judgment only after trial."

The Department of Energy in establishing draft National Interest Electric Transmission Corridor designations has completely reversed Webster's venerable due process dictum.

I can say this with complete confidence because of the following facts:

Governor Kaine's Office informed my staff that no Department of Energy notice of such draft designations was communicated to the Governor's office before the DOE publication of its two draft corridors.

The three Commissioners of the State Corporation Counsel, who are charged with the regulation of electric utilities throughout Virginia, informed me that they were not contacted by the Department of Energy regarding draft corridor designations.

Last November, 2006 Attorney General Bob McDonnell, who represents Virginia consumers in utility concerns, and mindful of Virginia's prized historic and environmental resources, reminded US Energy Secretary Samuel Bodman, "that in determining the location of a NIETC, federal law requires that the federal government consult with its state counterparts. This has not occurred at this point."

The notice and participation required by both federal law and due process requirements to include Virginia Officials in the Department of Energy's deliberations to establish congestion corridors in the Commonwealth never happened at any point. That is why on April 30, I publicly urged Attorney General McDonnell to sue the US Department of Energy, "for failure to grant Virginia and our citizens due process rights." I renew that request today.

The eminent domain powers you are turning over to private energy conglomerates can adversely affect the lives, liberties, homes and businesses of more than 49,000 citizens covering 116,627 square miles, yet you are holding only four public hearings! How many hours of consultation were provided to the energy conglomerates? They were certainly not limited to hurried two-minute presentations at inconvenient times when most Americans are at work, or in school!

George III gave American colonists more procedural consideration than the Department of Energy has given Virginia in its NIETC designations. I am hopeful that a law suit will make the DOE start over, and this time pay attention to the fundamental requirements of democratic government.



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Monday, April 30, 2007

Honorable Bob McDonnell
Attorney General
900 East Main St.
Richmond, VA 23219
Via 804-371-0200

Re: National Interest Electric Corridor findings

Dear General McDonnell:

I am asking you to seek standing to sue the federal Department of Energy for its recent designation of 22 jurisdictions in Virginia as part of a "national interest electric transmission corridor" for failure to grant Virginia and our citizens due process rights.

Virginia and its citizen could not participate or be represented before the Energy Department while private companies seeking eminent domain powers were represented.

Denying Virginia and our citizens participation in the Federal Energy Regulatory Commission's ruling which will result in the abolition of all state energy regulatory powers and the taking of private property from Virginia citizens is a profound and fundamental denial of Constitutional Due process rights.

Any suggestion that a so-called 60 day "comment period" on a decision made by the Federal Energy Regulatory Commission where only out-of-state power companies were represented and which will harm Virginia and our citizens hardly constitutes "due process."

Sincerely,

Delegate Bob Marshall