

Office of Electricity Delivery and Energy Reliability
Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

Faxed to the Department at 202-586-8008 on November 2, 2007

ATTN: Mid-Atlantic National Interest Electric Transmission Corridor
(Docket No. 2007-OE-01)

RE: National Electric Transmission Congestion Report
Agency: Department of Energy.
Action: Order.

I am respectfully requesting a rehearing of the Order in Docket No. 2007-OE-01. My rehearing application is based upon the following three issues:

I. Denial of Electric Transmission Corridors

The anonymous authors of this Report and Order go to great length in presenting obfuscatory arguments that the designation of "Electric Transmission Corridors" was not to favor transmission solutions to electric reliability in Critical Congestion Areas; however, they have found it necessary, in the case of the Mid-Atlantic Electric Transmission Corridor, to identify a source, obviously new coal-fired generation, in the western PJM region and a sink in the eastern PJM region. This concept is clearly biased toward transmission and it prejudices against non-transmission solutions to perceived reliability problems. It is also not consistent with the concept of solutions to electric reliability problems at any and/or all locations within RTO grids. Conveniently, the footprint of the Electric Transmission Corridor in West Virginia mirrors that of the proposed "Project Mountaineer," a grandiose scheme of transmission lines and coal-fired generation stations with more than 5000 MW of capacity. "Project Mountaineer" was presented to FERC on May 12, 2005 by Mr. Karl Pfirman, who is now interim President and CEO of PJM, (Promoting Regional Transmission Planning And Expansion to Facilitate Fuel Diversity Including Expanded Use of Coal-Fired Resources FERC Docket No. AD05-3-000) and Audrey Zibelman (Transmission Independence and Investment FERC Docket No. AD05-5-000 and Pricing Policy for Efficient Operation and Expansion of the Transmission Grid Docket No. PL03-1-000), Executive Summary of Testimony of Audrey Zibelman, Executive Vice President, PJM Interconnection, L.L.C.

II. Misrepresentation of Comments

The Comments (NIETC and Congestion Study, Comment: 81105) that I submitted to the Department on July 5, 2007 concerning the lack of citizen participation in the August 2006 Congestion Study were not conveyed correctly and in fact were misconstrued to imply that that I was referring only to the fairness of the comment period for the draft National Corridors when in fact, I commented primarily concerning the lack of citizen

participation in the Congestion Study. This Report is titled "National Electric Transmission **Congestion** Report." Please review the following found on page FR 57001 dated October 5, 2007:

2. Fairness of the Designation Process
Summary of Comments

Many commenters, including numerous individuals, argued that the Department had failed to provide adequate opportunity for the public to review and comment on the draft National Corridors. For example, John Balasko argued that the Department should have done more to inform and involve the general public because, "If this corridor is adopted, no longer will landowners within the corridor be free to make sound land management decisions because the hammer of the Federal Energy Regulatory Commission and perhaps federal eminent domain is looming in the background."

Obvious to me is that, the above last sentence taken from my Comments (NIETC and Congestion Study, Comment: 81105) is not a good representation of what I said about the fairness of the Congestion Study and the draft corridor designations. Please review the following Comments concerning the Fairness of the Congestion Study.

"Informed citizens who live in the Draft Mid-Atlantic Corridor are infuriated that the Federal Government would propose to hold their property hostage for an initial period of 12 years and thereafter as long as transmission applications are pending before state commissions. If this corridor is adopted, no longer will landowners within the corridor be free to make sound land management decisions because the hammer of the Federal Energy Regulatory Commission and perhaps federal eminent domain is looming in the background. Those in the Department of Energy and state officials who are responsible for this situation should be ashamed of themselves for not encouraging and even advocating for citizen participation in the Congestion Study and in the concept of corridor designations. As evidence of the lack of citizen knowledge and participation, I submit to you that the Governor of West Virginia was the only West Virginian to write to the Department of Energy during the public comment period for the Congestion Study. Also, at least 75% of the total number of comments received were from Virginia and New York. I wonder if that is because Congressmen Wolf and Hinchey were doing their jobs. Notices on the DOE website and in the Federal Register are not enough for working-class citizens."

Please note that my comments were directed more at the "Fairness" of the Congestion Study in addition to the draft Transmission Corridors.

III. Lack of Timely Notice:

Residents of Mason, Putnam, Kanawha, and Boone counties, 16.4 % of the West Virginia population were not given clear and timely notice of their being included within the Mid-Atlantic National Interest Electric Transmission Corridor. Please review the following letter that I sent to Director Kevin M. Kolevar, Office of Electricity Delivery & Energy Reliability on June 26, 2007.

June 26, 2007
Director Kevin M. Kolevar
Office of Electricity Delivery & Energy Reliability
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Dr. Kolevar:

In view of the error in the publication of West Virginia Counties within the draft mid-Atlantic National Interest Electric Transmission Corridor in the Federal Register on May 7 and the subsequent correction on June 7, I am respectfully requesting that the Department of Energy extend the public comment period in regards to the draft mid-Atlantic National Corridor Designation for a period of 60 days. Citizens in Kanawha, Mason, and Putnam Counties, 15% of the states population, have not received clear and timely notice of their inclusion within an NIETC.

We became aware of a correction to the Federal Register after one of the West Virginia citizens questioned the map presented by Dr. David Meyer at the Pittsburgh public hearing on June 13. We were informed that an error had been corrected. An abstract errata notice in the Federal Register is inadequate. To add to the confusion, Boone County, West Virginia is also included in Figure VIII-21 at 72 FR 25908. Is Boone County included within the draft national corridor as well?

I am including the following paragraph from the Federal Register for your reference:

“SUMMARY: The Department of Energy (DOE) published notice of two draft National Interest Electric Transmission Corridors (National Corridors) under section 216 of the Federal Power Act in 72 FR 25838 on May 7, 2007. With regard to the draft Mid-Atlantic Area National Corridor (Docket No. 2007-OE-01), DOE is correcting an error in the text of the May 7, 2007 notice. There are six counties that were correctly included in the map of the draft Mid-Atlantic Area National Corridor, displayed in Figure VIII-21 at 72 FR 25908, but that were inadvertently omitted from the narrative description of the draft Corridor at 72 FR 25909. The six counties that should have been included in the list at 72 FR 25908 are: Monroe County, OH; Carbon County, PA; Cumberland County, PA; Kanawha County, WV; Mason County, WV; and Putnam County, WV. Further, DOE will be holding four additional public meetings on the draft National Corridors.”

Your urgent consideration of this matter is respectfully requested.

Sincerely,

John A. Balasko

In West Virginia Governor Manchin's office on July 25, 2007, Mr. Mark Robinson Director of the Office of Energy Projects at FERC told a group of citizens, officials from

Allegheny Energy, American Electric Power, PJM, and a representative from the Governor's office that Boone County, West Virginia was not in the Mid-Atlantic National Interest Electric Transmission Corridor. The October 5, 2007 Report and Order is the first narrative citation of Boone County being in the "Electric Transmission Corridor," hardly clear and timely notice. Why did the Department wait until October 5, 2007 to inform residents of Boone County of their status?

Please accept this application for rehearing of the order in Docket No. 2007-OE-01.

Sincerely,



John A Balasko
734 Halleck Road
Fairmont, WV 26554