

**To the U.S. DEPARTMENT OF ENERGY
Office of Electric Delivery and Energy Reliability
OF-20 US Dept of Energy
1000 Independence Avenue SW
Washington, DC 20585**

In re: National Interest Electric Transmission
Corridors and Congestion Study

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Attn:
Docket No. 2007-OE-01
Draft Mid-Atlantic Area National
Corridor
:
:

Application for Re-Hearing

**Rick Layton
Greene County, Pennsylvania Resident**

COMMENTS IN PROTEST

As a resident of Greene County, I wish to re-submit my comments regarding the National Interest Electric Transmission Corridor (NIETC) for the Mid-Atlantic Region. This designation by the Department of Energy (DOE) is wrong for many reasons. In no particular order, I will address the following points:

1. There are many questions to the validity of the study upon which they are based.
2. These corridors will discourage appropriate future demand solutions.
3. These corridors create much risk to our environment.
4. No one wants them, except those that will profit from them.
5. The potential impact of the corridors is too great to risk.
6. These designations are interfering with states rights to determine whether and where transmission lines should be designated.
7. FERC and the DOE are giving the utility industry incentives for only one solution, and it's the most devastating of all solutions.

There are many questions to the validity of the study upon which they are based.

I have attempted to educate my self on the issues surrounding the need for such designations. I made a Freedom of Information Act request for the data used in the study to determine the Critical Congestion Area in the Mid-Atlantic region. I finally received a response that stated "all non-proprietary information was on the website". My response then is where is the "proprietary" information? There have been multiple responses to this study that say it is flawed. When is the DOE going to be open with all records and address these challenges?

Section 1221 required that DOE consult with the affected states in completing the Congestion Study upon which this corridor designation is predicated. My research has shown that the DOE failed to comply with this requirement. The Department not only failed to consult with affected states, but also with the U.S. Fish and Wildlife Service as required by the Endangered Species Act, and the Advisory Council on Historic Preservation as required by the National Historic Preservation Act of 1966. The response of state utility commissions in the affected areas also bears the fact that the DOE did NOT consult with them.

These corridors will discourage appropriate future demand solutions

Currently, a company from Virginia named CPV Warren is attempting to meet any future demand issues in the northern Virginia/Maryland area by building two 600 megawatt, natural gas-fired power plants. However, should the AP TrAIL be approved by way of the Mid-Atlantic NIETC, it will almost certainly stop these plants from being constructed. CPV Warren realizes that they have a market in which they can sell power. But if the AP TrAIL is built, the cheaper, dirtier, coal-fire generated power from the Ohio Valley will flood that market. So not only does the NIETC designation stop cleaner, appropriate solutions to future demand, it replaces it with environmentally degrading power that contributes much more pollution than natural gas generation. This potential dilemma is now on everyones mind due to the Global Warming issues that are finally coming to the forefront. It is accepted by nearly all educated people that global warming is real and must be dealt with NOW for our future generations to have a safe place to live. These NIETC designations will do just the opposite of what many people are trying to legislate right now!

These corridors create much risk to our environment.

Within just the Pennsylvania boundaries of the proposed Mid-Atlantic NIETC lie millions of acres of state forest, park, and game lands, dozens of critical habitat areas, and tens of thousands of acres of conserved natural and agricultural lands. These figures do not begin to capture the sheer number, variety and richness of the many resources in the proposed corridor, resources such as Pennsylvania's national parks, historic sites, memorials and recreation areas, the multitude of state, county, and local parks, public and private wildlife refuges, preserves and priority habitat areas, and other critically important community and regional resources. I am certain that the other states within the draft corridors have similar areas and sizes of concerns. DOE's designation of the Mid-Atlantic Corridor threatens to undo decades of effort to preserve these important natural resources and heritage sites.

Designation of these corridors is a "major federal action" and as such the DOE must complete a programmatic environmental impact statement. The Department of Energy has not fully analyzed alternative solutions to congestion, despite a Congressional directive to do so.

No one wants them, except those that will profit from them.

I have read many of the posted comments from the Public Comment meetings held by the DOE. I also attended the Pittsburgh meeting. Nearly every resident is

opposed to the NIETC designations. Nearly (I say nearly for fear I may have missed one that was in favor) every elected official, representing millions of Americans, are opposed to the NIETC designations. But all of the "for-profit" utilities and related agencies (such as PJM) are in favor of the NIETC designations. If all of these meetings were intended to find out what our country wants in relation to these corridors, it should be easy for the DOE to decipher based upon the comments and the above summary.

Other obvious signs of whether our country wants these designations approved can be found in the volumes of resolutions passed opposing not only the current NIETC proposals but also calling for the repeal of Section 1221 of the Energy Policy Act of 2005. In Pennsylvania, both the House and Senate have overwhelmingly passed resolutions calling for both. I know of at least five state Governor's and more than 100 groups including governmental bodies, utility commissions, environmental and preservation organizations and others have all raised serious concerns if not outright opposition to the proposed corridors. One final note is to look at the recent vote by the House of Representatives on an amendment to delay funding for any NIETC designations sponsored by Congressman Hinchey of New York. Although the amendment failed by a relatively narrow vote, it is interesting to look at how the Representatives from the states encompassed in the Critical Congestion Area voted on the issue. Those Representatives, in the states that the NIET Corridors would be designed to help voted overwhelmingly for the amendment. Recently another effort was put forth by Senator Robert Casey, PA, in an attempt to correct this poor piece of legislation. I am certain there will be more, so why doesn't the DOE do what the country is telling it to do?

The potential impact of the corridors is too great to risk.

The Department of Energy has not fully analyzed alternative solutions to congestion, despite a Congressional directive to do so. Not only has the DOE not made this analysis, but it has given the utility companies a reason not to do so either. By the simple designation of draft NIETC's, the utility companies are literally "banking" on getting transmission lines approved without spending the time or money on these real alternatives. These alternatives have been proven in areas of our country as well as overseas to be viable alternatives to the most invasive and destructive of alternatives to meeting demand. In fact, utility companies are fighting states to keep them from passing legislation that would require them to fully investigate and/or initiate conservation alternatives because they are more costly and/or less profitable. You can see an example of this in Pennsylvania with Governor Rendell's Energy Independence Strategy.

Another reason the utility companies are not looking into alternatives is the "incentive" that was approved for early construction of high voltage transmission lines. Look at the recent growth in value of the utility companies on Wall Street and it all adds up to a great reason for alternative solutions to be ignored. Our world is beginning to see the destruction caused by coal-fired generation plants and long-distance transmission lines not only in air quality but also global warming. We are risking the health and safety of not only ourselves but future generations to come if these trends continue.

These designations are interfering with states rights to determine whether and where transmission lines should be designated.

Speaking of states, this entire issue is a complete usurping of states abilities and rights to site high voltage transmission lines. Many states have worked diligently to prepare for the future electrical needs of its citizens. Other states or regions have not. It is an unfortunate reality. But those states or regions that did not prepare should not be rewarded with an "easy out". Those areas need to find their own solutions at the expense of themselves. People living in rural areas possibly hundreds of miles away from any "congestion areas" are unfairly being penalized by transmission lines that destroy their property values, uses and risk other areas including health. I find myself in that very situation and I am participating in the state Public Utility Commission proceedings. If the Pennsylvania PUC decides that this transmission line will meet the needs of our region and must be built, then so be it. But to have the DOE overrule a decision, based on the needs of our region and to our detriment, for the benefit of other areas hundreds of miles away is an absolute crime!

Not only am I concerned with an overruling by the DOE, but the simple potential designation of NIETC's has impacted the state proceedings negatively. I believe that the states, being pushed by the utility companies, are compressing their schedules and proceedings in the hopes of a NIETC overrule. Another concern is being able to appeal a decision through the state court system after a ruling by the PUC. Whether intended or not, a NIETC designation does impact the process and thus creates an unfair situation for those of us opposed to the high voltage transmission lines.

FERC and the DOE are giving the utility industry incentives for only one solution, and it's the most devastating of all solutions

It is obvious that the DOE feels we may be headed for a serious problem with future energy demands. Without further debating the validity of that argument, one has to wonder why the most devastating alternative (building high voltage transmission lines which will increase production at the dirtiest, coal-fired plants) has been given the most financial incentive to pursue. FERC has ruled that utility companies may reap additional profit by increasing the return on investment to nearly 14%, rather than the typical 10-12%. Where are similar incentives for demand-side management, building clean alternative generation plants near the demand, upgrading existing infrastructure with the latest technology and other conservation methods? Why not give incentive to pursue those alternatives that are less destructive to our environment, our homes and the globe in general? Is it because the utility industry lobbyists are controlling FERC and the DOE? With Global Warming finally becoming an issue that must be dealt with, it is time for FERC and the DOE to get it's priorities straight and begin to encourage other alternatives for any future demand issues that might occur.

The Department of Energy has made a terrible mistake and handed the country over to the utility industry lobbyists. It is time for the American people to determine the direction of this country. Although the DOE may be doing what it thinks is in the best interest of the country, it is the American people that will suffer the consequences of all decisions. Thus, they should also be the ones to make the decision. Repeal this designation!

Thank you.

Rick Layton