Getting Power from Conventional and Non-Conventional Sources to Load Centers Will Challenge the Grid
Meeting Tomorrow’s Energy Needs


- DOE issues national congestion study (August 2006)
- DOE may designate National Interest Electric Transmission Corridors following study completion
- Commission may issue a construction permit following corridor designation and statutory time periods
Critical Congestion Areas and Congestion Areas of Concern

Source: DOE
Conditional Congestion Areas

Source: DOE
Authority

The Commission is authorized to:

- Issue construction permits only for facilities located in corridors
- Act as lead agency
  - coordinate related federal authorizations
  - conduct environmental review
  - provide a forum for all affected entities
Commission’s Transmission Siting Authority

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联邦能源监管委员会

- 仅限于48个州（不包括ERCOT）
- 项目必须位于DOE指定的走廊
- 委员会必须确定拟建设施:
  - 将减少传输拥堵
  - 符合公众利益
Rulemaking

- Notice of proposed rulemaking (NOPR) issued June 16, 2006
- Received 51 comments in response to NOPR
- Final Rule approved November 16, 2006
- Final Rule effective 60 days after publication in the Federal Register; February 2, 2007
- Received nine requests for rehearing in response to Final Rule (rehearing pending)
In the pre-filing process the participants will:

- Implement a public participation plan to inform and to include states and other interested entities in the application process;

- Gather information necessary to complete the application including information generated in a state proceeding; and

- Work to resolve issues at the local, state, and regional level.
EPAct would have allowed pre-filing to start prior to state application

Final Rule addresses state concerns and allows pre-filing to begin 12 months after application is filed with state
Permit Process - Application

Following filing of an application FERC will:

- Complete the DEIS and FEIS review process in consultation with affected state(s);
- Coordinate all federal authorizations for the proposed facilities;
- Conduct a thorough evaluation of the record recognizing the input of the state(s);
- Prepare an order on the merits; and
- Decide on the application within one year as required by EPAct.
Stakeholders Help Transmission Project Take Shape Through a Variety of Formal and Informal Input
Electric Transmission Construction Permit Process

Pre-Filing Activity

Applicant meets with Director OEP and files preliminary project information

Based on preliminary information, Director OEP may approve initiation of pre-filing process or may defer initiation

Commission notices pre-filing process, intent to prepare an EIS, and requests preliminary comments

Applicant implements public participation plan notifying and meeting with entities to resolve issues

Staff coordinates NEPA preparation for all Federal agencies and State permitting entities

 Applicant files draft resource reports and other State and Federal permit applications

Comments filed on preliminary project proposal

Post-Filing Activity

Commission notices filing of application, availability of DEIS, requests comments and sets milestones and deadlines

Applicant responds to DEIS comments and any additional recommended alternatives

Staff reviews comments and responses to comments on DEIS and prepares EIS

Commission issues notice of availability of EIS

Staff reviews record and prepares order on request for transmission construction permit

Commission action on application

Permit application is filed with Commission

Applicant responds to DEIS comments and any additional recommended alternatives

Staff reviews comments and responses to comments on DEIS and prepares EIS

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Electric Transmission Construction
Pre-Filing Process

Applicant meets with Director OEP and files preliminary project information

Based on preliminary information, Director may approve initiation of pre-filing process or may defer initiation

Commission notices pre-filing process, intent to prepare an EIS, and requests preliminary comments

Applicant implements public participation plan notifying and meeting with entities to resolve issues

Staff coordinates NEPA process with all Federal agencies and State permitting entities

Applicant files draft resource reports and other State and Federal permit applications

Comments filed on preliminary project proposal
Electric Transmission Construction
Pre-Filing Process

1. Applicant meets with Director OEP to coordinate NEPA preparation.
2. Applicant submits preliminary information.
3. Staff coordinates NEPA preparation for all Federal agencies and State permitting entities.
4. Applicant files draft resource reports and other State and Federal permit applications.
5. Comments filed on preliminary project proposal.

- Applicant conducts NEPA scoping meetings, prepares data requests, and initiates DEIS.
- Applicant responds to data requests, providing information needed to file application.
- Preliminary DEIS is submitted.
- Director OEP grants authority to file application.
- Applicant prepares NEPA draft process, intent to prepare an EIS, and seeks preliminary comments.
- Commission notices pre-filing process, initiates DEIS, and requests preliminary comments.
- Applicant implements public participation plan notifying and meeting with entities to resolve issues.
Electric Transmission Construction
Pre-Filing Process

Pre-Filing Activity

1. Applicant meets with Director OEP and files preliminary project information
2. Based on preliminary information, Director OEP approves initiation of pre-filing process or may defer initiation.
3. Applicant responds to data requests providing information needed to file application
4. Applicant implements public involvement plan notifying and meeting with entities to resolve issues
5. Staff coordinates NEPA preparation for all Federal agencies and State permitting entities
6. Applicant files draft request for application
7. Director OEP grants authority to file application
8. Comment filed on preliminary project proposal

Application Filed
Electric Transmission Construction
Post-Filing Process

Post-Filing Activity

Permit application is filed with Commission

Commission notices filing of application, availability of DEIS, requests comments and sets milestones and deadlines

§50.9

Applicant responds to DEIS comments and any additional recommended alternatives

Staff reviews comments and responses for DEIS and prepares EIS

Commission issues notice of availability of EIS

Staff reviews record and prepare order on request for transmission construction permit

Commission action on application
Electric Transmission Construction
Post-Filing Process

Post-Filing Activity

- Permit application is filed with Commission
- Commission issues notice of availability of DEIS, request comments and set timeline and deadlines
- Applicant responds to DEIS comments and provides additional recommended alternatives

Staff reviews comments and responses to comments on DEIS and prepares EIS

Commission issues notice of availability of EIS

Staff reviews record and prepares order on request for transmission construction permit

Commission action on application

Permit is Issued or Denied
Final Rule Issues -- Pre-Filing

- Where an application is being processed at the state level, the Commission was concerned that simultaneous pre-filing would stretch state resources and limit state involvement (ex parte concerns)

- Also concerned about delaying construction of needed transmission facilities

- Rule provides for at least 1 year of state processing prior to initiation of pre-filing

- Encouraging the issuance of state permits will get transmission constructed sooner
Final Rule Issues -- Withheld Approval

Does state denial equate to withheld approval or does withheld approval only mean failure to act?

The majority decided that either constitutes withheld approval.

Section 216(b)(1)(C): a State commission or other entity that has authority to approve the siting of the facilities has withheld approval for more than 1 year after the filing of an application …
Conclusion

- Supplemental federal authority appears to already be expediting the review of electric transmission projects
- When proposed projects come under FERC jurisdiction, the FERC stands ready to act
- Ultimately, success will be measured by energized projects that reduce congestion and increase reliability