

Testimony of OEP Director Ann Miles
House Energy & Commerce Subcommittee on Energy & Power
February 2, 2016

Good morning Chairman Whitfield, Ranking Member Rush, and Members of the Subcommittee. My name is Ann Miles, and I am the Director of the Office of Energy Projects at the Federal Energy Regulatory Commission.

The Commission is responsible for siting infrastructure, including non-federal hydropower projects, interstate natural gas pipelines and storage facilities, and liquefied natural gas terminals. I appreciate the opportunity to appear before you to comment on the five hydropower bills to extend commencement of construction deadlines and on the Aerial Infrastructure Route Survey Act of 2015.

As a member of the Commission's staff, the views I express in this testimony are my own, and not those of the Chairman, other than as specifically noted, or of any individual Commissioner.

I will first comment on the hydropower extension bills -- H.R. 2080, H.R. 2081, H.R. 3447, the bill regarding Jennings Randolph Project No. 12715, and the bill regarding Cannonsville Project No. 13287. Each of the bills seeks to extend the project's commencement of construction deadline to a total of no more than 10 years from the date the project license was issued.

The last several Commission Chairmen, as well as the current Chairman, have taken the position of not opposing legislation that would extend the commencement of construction deadline no further than 10 years from the date that the license in question was issued. Because each of these bills provides for commencement of construction deadlines that do not exceed 10 years from the dates of the respective licenses being issued, I do not oppose these bills.

I note that all bills except for H.R. 2081 contain a reinstatement provision should the period required for commencement of construction expire prior to enactment of the Act. Congress may want to consider including a reinstatement provision in H.R. 2081.

Second, I will comment on the Aerial Infrastructure Route Survey Act, H.R. 3021. The bill would amend section 7 of the Natural Gas Act to provide that data collected by aerial survey will be accepted in lieu of, and given equal weight to, ground survey data for the purpose of completing the Commission's natural gas project pre-filing process and for completing applications associated with federal authorizations related to such projects. The bill provides that an agency may require that aerial survey data be verified through the use of on-the-ground survey data before project construction.

Aerial surveys can be a useful tool for developing project routes and making initial determinations of resources that may be affected by a proposed project. Currently, Commission staff accepts aerial survey data, especially where ground access is not available during the pre-filing or application review processes.

However, most project applications include ground surveys for a significant portion of the right-of-way. I do have some concern that waiting to verify large amounts of aerial data until

late in the project development process, or after issuance of a certificate, could in some cases pose difficulties.

For example, if it was not discovered until the pre-construction stage that a project might affect historic properties or endangered species (matters that can be difficult to determine with certainty in the absence of on-the-ground surveys), a project proponent might be required at a late stage to amend its approved route or to conduct additional mitigation, which could cause delay and additional expense.

This concludes my remarks. I would be pleased to answer any questions you may have.