

U.S. Department of Energy
Public Meeting on
Draft National Interest Electric Transmission Corridor Designations
Rochester, NY
June 12, 2007

Meeting Transcript

David Meyer: Good afternoon, ladies and gentlemen. We're going to get started with our public meeting, so if you'll take your seats. Step up a little closer here. I'm David Meyer. I and Mary Morton, also from the Department, will be leading the meeting today.

Unidentified Participant: [inaudible]

David Meyer: Yes, okay. I'll have to speak directly into this thing, I guess. That helps, yes. My name is David Meyer and I'm with the Department of Energy. I'm accompanied by Mary Morton here at the table. Mary is also with the Department of Energy. Mary and I were the senior people on the team that developed both the congestion study and the proposal, the Federal Register Notice for the Draft Corridors. I see people here coming into the room still. I'm going to pause while they take their seats.

All right, we'll get started now. Thank you for coming. We appreciate this opportunity to receive your inputs and comments in our process. A few words about how this is going to proceed. I will start off with a short presentation about the Draft Corridors, what they are, what they're not, what they would do, what they would not do, the rationale for them. Then we will hear statements from public officials. And then after those statements we will open the floor to individuals and we ask you to keep your statements short; this is so everyone can have an opportunity to speak. And after everyone who wants to speak has had an opportunity, then if people want to come back a second time and further support their earlier remarks they'll have that opportunity.

So I will -- also, we have several other people from DOE here so that although Mary and I will be up here for the meeting, there will be other DOE people that you can engage in a sidebar conversation if you have particular questions you want to put to them or discuss with them.

So I will start now with the overview of DOE's presentation, DOE's proposal. First some background on the Energy Policy Act of 2005, in particular there was great awareness on the part of the Congress when they enacted the law about some problems related to electricity transmission. In particular, there was awareness that we have seen protracted period of underinvestment in transmission in this country, going back some 25 years; that is that electricity demand has continued to grow, generation capacity has continued to grow, but for a variety of reasons there was no comparable level of investment in the transmission system. And this has pernicious effects over the long term. It causes electricity prices to be higher than they otherwise would be. It causes reliability problems -- sooner or later you see reliability problems. It takes some time, some period of

underinvestment before those reliability problems start to manifest themselves but they are real and we have all had enough experience with blackouts to know the implications of those kinds of problems.

Let me finish by saying that -- now as we finish this slide by saying that nowadays we're all increasingly sensitive to carbon as a concern with respect to the electricity infrastructure and delivery system. But even with that increased sensitivity towards carbon, transmission will continue to be necessary. Renewable capacity or any other non-fossil-based generation capacity, except for something like rooftop solar, most of it will be site-at-distant from load, which means continuing transmission requirement.

So with this as a background, the Congress enacted the Energy Policy Act of 2005 and it -- I won't go through all of these transmission related provisions but I'll point out a few that are especially relevant, that is that the Act requires states to consider adopting policies directing utilities to strengthen demand response programs and energy conservation programs. There is -- in other words the Congress realized that from a policy perspective it's to our advantage if a number of direction -- if we're pushing a number of policy comparable -- compatible policies at one time; that is, push on demand response and energy efficiency, at the same time push for additional investment in transmission facilities because we need all of these kinds of things.

In particular, the Act requires the Department to file a national study on electric transmission congestion every three years. We published the first such study in August of 2006 and then the Act authorized the Department to designate appropriate areas as National Corridors, that is, National Electric Transmission Corridors, if it finds that consumers are being adversely affected by transmission congestion or constraints.

Now first the effects of designation of a National Corridor, two effects. The first is that it would signify that the federal government has concluded that a transmission congestion problem exists in the particular area and that it requires timely solution. Secondly, designation would enable the Federal Regulatory Commission under certain conditions to approve siting and construction of transmission facilities within the Corridor.

Now -- and I wanted to spend a little time going over with you the conditions that need to be met before FERC can exercise authority -- this authority. Some of them apply to only a few states. That is, if the state does not have authority to site a transmission project. There are a few, believe it or not, there are a few states that have not enacted such authorities. But in the Eastern United States this is not a common situation. If the state does not have the authority to consider interstate benefits associated with the project, and again this is not a common situation in the Eastern United States. It's the fourth one, second one from the bottom, if the state has withheld approval of the project for more than one year; that's the one that has really gotten the most attention because states are concerned that that particular pre-condition could lead to the exercise of FERC's authority.

But my point here is that even if one or another of these pre-conditions is met and FERC does assume jurisdiction for siting of a proposed facility. Even then it should not be assumed that the siting of the project becomes inevitable. FERC would have to go through a very protracted review of the proposed project. It would hear comments from individuals such as yourself. It would hear comments from the states, affected states. It would take into account the proceeding -- the record that the states had earlier developed. It would have to come to a finding that it would be in the public interest to issue an approval of the proposed project. So there are many steps that would have to be gone through here.

Now in terms of the -- continuing with the effects of National Corridor designation, it's important to note that the effects the designation would not have. It would not determine how the affected area's congestion problems should be resolved. There are a variety of ways in which transmission congestion problems can be dealt with. The one way is to go to a -- this slide for a moment. In our August 2006 congestion study we identified this orange area as a critical congestion area, that is, this area has experienced chronic, persistent, recurrent congestion over many years. The existence of congestion in this area is not a surprise. Something in the range of more than 50 million people live in this area. This area is economically vital to the country and of great strategic importance. So it was this level of congestion in this area that led us to designate this area as a -- or identify this area as a critical congestion in August of 2006. But our proposal then did not speak to National Corridors; that was a second step. It was the notice that we published in April of 2007 in which we proposed the National Corridor.

Now back to the question of how do you deal with options for dealing with congestion? You could build additional generation capacity within that orange area. It's not easy to do that and it could be, say, a gas-fired generation built close to load. It could be rooftop solar. It could be distributed generation, again located close to load. Or you can do increased demand response and increased energy efficiency. Or you can build new transmission lines to bring electricity supplies into that congested area from outside. So what I'm saying is that our designation alone does not say anything about how the state or local governments or groups of states should deal with this -- what particular mix of solutions they should adopt to deal with the congestion. But we are saying very -- trying to say it very clearly, there is a serious problem here. Please address it. Please address it promptly.

Now similarly, National Corridor designation would not propose direct or order anyone to do anything. And it certainly would not endorse particular transmission projects and it would not circumvent compliance with any existing federal environmental requirements concerning transmission for other kinds of facilities. So today we're not here to debate the merits of the Energy Policy Act. The Energy Policy Act is law. DOE is implementing the provisions that it was directed to comply with under the law. And we're not here to debate the merits of particular transmission projects or of non-transmission solutions to congestion.

But we do want to hear your views about whether designation of a National Corridor in this area, in this general area, is appropriate; and if so, where should the boundaries be drawn? Because drawing the boundaries there are a lot of questions of -- that need to be addressed there also. You'll note that the gray area, which is the -- it's the gray area that is the Corridor, including the orange area is the proposed Corridor, and you'll notice it has a sort of jagged boundary. And the reason that boundary is jagged and irregular is that we're following county boundaries. We wanted boundaries that were identifiable so that it would be clear to everyone what's in or what's not in the Corridor, so we went with country boundaries.

This we've already covered. I'm going to pass over some of these data-oriented slides. If you have questions about some of these and want to talk with me about them I'd be happy to do that. I do want to speak a bit to duration of the Corridors. The law is silent on the question of the duration of these Corridors. We have recognized that the development of the new transmission facility, or of its alternatives if you're thinking about new generation or demand side management programs or energy conservation programs, none of those kinds of efforts come into being and bear fruit quickly. They all take time to design and put in place and become effective. So this means that in any case, whatever

you chose to do in dealing with congestion, that it takes lead time. So that lead us to say that a National Corridor needed to be in place for a considerable period of time, so our default proposal is to designate them for 12 years. But we are saying that if -- in particular cases if it appears that some other period of time would be more appropriate then we will consider an alternative period.

And finally, designations we feel should be subject to renewal, modification, or rescission by DOE after notice and consideration of public comment so that -- this gives us the ability to adapt to changing circumstances.

I won't dwell on this slide. This mentions two recent blackouts; it describes two recent blackouts. The point is that blackout risk is real, that this is serious stuff, it needs to be taken seriously and these are problems that do require attention.

Next steps for DOE. At the 60 day comment period closes July 6. After the close of the comment period we will consider all of the comments received and we will provide recommendations -- we, the DOE staff working on this matter will provide recommendations to the Secretary concerning possible designations. If a final designation was issued there would be an automatic 30 day period for possible reconsideration by DOE.

We welcome your oral comments here. We also welcome written comments if you choose to provide written comments as well. If you have questions that you want to discuss with me, you can follow up on using the contact information here. We have a great deal of information about the Corridors and the analysis, the underlying analysis on this, the websites that's listed here. There are some particularities about filing comments and I'll ask Mary to speak to those so that you have the detail there.

Mary Morton:

The Department put out about an 80-page federal register notice which really explains in great detail what the underlying analysis was of the Draft Corridors and explains what the data are that we're relying on. And I would strongly urge anyone who wishes to file written comments to at least take a look. This is really the legal document that folks need to be commenting on.

On the very first page of that document there is a description of how to file written comments. And they're not very complicated; there's just a couple of procedural things that we need folks to do. The easiest way to file written comments is to do so through the website, but if you want to mail in your comments you just have to make sure you address them properly and specify the correct docket number. There's a one pager out on the table up front that gives you the gist of this, but again this is available on the website and I really urge folks who want to file written comments to take a look at it.

David Meyer:

Okay. I'm going to turn the meeting now over to Jody Erikson. Jody is a facilitator; she is not a DOE employee. She works for a company called The Keystone Center which is based in Colorado and also has an office in D.C., and they do some excellent work in terms of facilitating meetings related to energy and environmental controversies of various kinds. So Jody, you take it away.

Jody Erikson:

Great. Thanks David. I'm Jody Erikson with The Keystone Center. The Keystone Center -- the mission of The Keystone Center is to help improve public policy both from current public policy, which is the facilitation/mediation side, also future generations. So we have a Keystone Science School that's helping kids do public policy around science issues, as well as curriculum development and teacher training. So there's -- on the

mediation/facilitation arm and have done a lot of energy work. So my job today is help keep us on track, help keep you on time and moving forward.

So in that vein, this is the process we're going to go through. I'm going to call folks from those who pre-registered. We'll start with people who are elected officials; they get a little more than two minutes. And then we'll go through the list of pre-registered people and then go into the green sheets of those folks who signed up to speak today. Everyone will have two minutes. I'll give you a little warning; I have a 30 second card warning and when you're two minutes is up I'll give you a little "thank you." I'll probably sit next to you if you've gone beyond your time.

The thing today is to remember is that this isn't a siting meeting specifically. DOE isn't siting anything specific. So help them make the link. I know for many of you there's a specific line that you want to talk about. Help DOE make that link between the specific line that they're not siting but how the designation will affect that line. I'm sure all of you know about being respectful, so keep to your two minutes to make sure that everyone's going to get their opportunity to have their two minutes. And I know that there's a lot of emotion in the room about certain pieces, which is completely okay, just be constructive in your comments so that you can help DOE understand what they need to do to make changes in their draft.

Any questions about process before we move forward?

Unidentified Participant: [inaudible]

Jody Erikson: The comments are being recorded. This meeting will also be transcribed. So they'll be typed up and then posted on the website.

Okay. So I'm going to call out the elected officials I have. Jay Biba from Hillary Clinton's office, you here? Great.

And then after him Jennifer Sanfilippo from Governor Spitzer's office? Okay, great.

And then after that Diane Barney from New York Department of Public Service.

Jay Biba: Good afternoon. My name is Jay Biba and I'm the Central New York Regional Director for Senator Clinton coming out of Syracuse, and I represent 16 counties in that area, many of which in the southern part of my district are going to be affected by this Corridor. I have a written statement from the senator in regards to this issue which I'll present here and just read it to you.

"I, like many of my constituents, have repeatedly voiced very serious concerns regarding the economic and environmental impact of the proposed New York Region Interconnect route. Even though this hearing is far from the NYRI route, it is important the Department of Energy hear our concerns loud and clear today because many of those who are concerned about the NYRI project are also concerned about the Department of Energy's proposed National Interest Electric Transmission Corridor because DOE designation of such a Corridor could lead to use of federal eminent domain authorities.

"As you know, NYRI filed a request some time ago with the United States Department of Energy to have this route designated as a National Interest Electric Transmission Corridor. Designation as an NIETC by the DOE would trigger new authorities provided in the Energy Policy Act of 2005 that empower the Federal Energy Regulatory Commission to override a siting decision made by the New York State Public Service

Commission. Designation as an NIETC would enable FERC to exercise federal eminent domain authorities in connection with the project.

"I have previously raised concerns about the NYRI proposal in a letter to the FERC. The proposed route for the NYRI has a number of problems, including that it cuts through a portion of the Delaware River Valley that is federally recognized under the Wild and Scenic Rivers Act. In addition, it runs through historically designated sites, environmentally significant habitats, residential and high traffic recreational areas, and will certainly have a detrimental effect on the ability of communities to attract business and foster economic development.

"With these environmental and economic concerns in mind, I urge the DOE to reject NYRI's request for designation as an NIETC. The question of whether to build a transmission line within New York State should be decided by the state using its very comprehensive permitting process. The use of federal eminent domain authorities on this project as currently proposed will have a profoundly negative effect on regions of the state.

"While I am pleased that everyone is here today, I also remain very concerned by the Department of Energy's attitude towards residents and communities in upstate New York who stand to be directly impacted by the NYRI. Neither of their scheduled hearings on the National Corridor proposal were in areas along the NYRI route. Whether this is a deliberate decision on the DOE's part or simply incompetence, it is unacceptable. Communities up and down the proposed NYRI route are justifiably outraged that the Department of Energy has remained so unwilling to hear their concerns. This smacks of arrogance on the part of the Department and is extremely disappointing. I am very pleased that my colleagues have been able to hold their own hearings, but we need to know that the DOE hears the full strength of the opposition to this proposal.

"As far back as June 22 of last year I wrote to the Chairman of the Federal Energy Regulatory Commission, Joseph Kelliher, requesting that he schedule a series of town hall meetings in the affected counties for the citizens of those counties to voice their concerns about the NYRI route, and I have called the Department of Energy several times to hold additional public hearings about the proposed Mid-Atlantic National Interest Electric Transmission Corridor.

"I believe it is imperative that additional meetings about the NIETC proposal be held in the counties along the NYRI route. This project could have a profound impact on the lives of many of my constituents and they deserve to have a forum in which to express their understandably serious concerns. Further consideration of this project must not proceed without thorough and appropriate public consultation.

"I continue to oppose to the proposed NYRI route. I support the ongoing review process within New York State and will continue to push the DOE and FERC to respect it. NYRI should not be allowed to short circuit the state's rigorous review and siting process. I have made my opposition to the plan very clear and will continue to work with all the communities concerned to fight it. Sincerely, Senator Hillary Rodham Clinton."

Jody Erikson:

Jennifer Sanfilippo? And then Diane Barney.

Jennifer Sanfilippo:

Good afternoon. My name is Jennifer Sanfilippo. I'm the regional representative for Governor Spitzer and I'll be reading a letter from the governor.

"Dear Secretary Bodman, I am writing to express my opposition to the Department of Energy's draft designation of 47 counties in the state of New York as the National Interest Electric Transmission Corridor. There simply is no need for the NIETC designation. New York already has an effective transmission facility siting law.

"Article 7 of the New York Public Service law gives the New York Public Service Commission jurisdiction over the siting of major transmission facilities and establishes a remarkably efficient one-stop process for reviewing applications to build transmission facilities. This established process works well. Seventeen transmission projects have received approval under the Article 7 process over the past 10 years, and several more projects are currently under consideration.

"In addition, during the first six months of my administration, New York-- with substantial public and industry support--has been moving resolutely to improve the reliability of the electric grid within the state. If the NIETC designation is finalized, the Federal Energy Regulatory Commission will be able to preempt, in certain circumstances, New York's long established statutory siting process. It is unnecessary and would be counterproductive to upset this established process. New York has had a proven familiar transmission facility siting process in place for the past 37 years.

"The Article 7 process insures that New York can expeditiously site transmission facilities that are needed and provide the forum for stakeholders to express support for, or opposition to, the proposed project. Thus, I urge the Department of Energy to exclude the State of New York from its designation. Sincerely, Eliot Spitzer."

Thank you.

Jody Erikson: Great. Okay, Diane Barney. And then after Diane, Paul Miller. Paul Miller, are you here? Great, thanks. With recognition then I can move on. Then after Paul, Anthony Picente.

Diane Barney: Hello. I'm Diane Barney. I'm staff of the New York Public Service Commission. I'd like to thank you for this opportunity to present the views of Patricia L. Acampora, the Chairwoman of our Commission. She was called to Baltimore to participate in a Regional Greenhouse Gas Initiative meeting to discuss global warming issues and regrets that she cannot be here today in person.

The Public Service Commission is a state agency responsible for the siting of electric transmission facilities within New York State. It is also responsible for insuring the most cost effective provision of electricity to consumers. The Department of Energy's Draft Mid-Atlantic Area National Corridor would encompass 47 counties within New York State, including all of New York City, Long Island, and large portions of central and northern New York State.

The Department of Energy has characterized this act of designation a National Corridor as the most significant state of the entire process under section 216 of the Federal Power Act. Designation of a National Corridor is significant because Congress did not create nationwide federal siting jurisdiction for electric transmission facilities. Instead, to preserve long standing state jurisdiction, and to protect vital local interests, Congress gave the Federal Energy Regulatory Commission, or FERC, backstop siting authority only within those areas designated as National Corridors.

Congress did not require the Department of Energy to designate any National Corridors. Instead, it authorized the Department to do so, and only in those areas, if I can quote, "where experiencing electric energy transmission capacity constraints or congestion that

adversely affect consumers." This express language in section 216 recognizes that the mere existence of capacity constraint or congestion does not, per se, adversely affect consumers. The Department of Energy has concluded, however, that any congestion can adversely affect at least some consumers. The Department has also concluded that it may designate a National Corridor regardless of the magnitude or cost of such congestion, and without any additional demonstration of adverse effects on consumers.

According to its Draft Report, the Department of Energy may designate a National Corridor based on any transmission constraint without any demonstration of present or future congestion and without any further showing of adverse effects on consumers. The Department has also concluded that it may designate a National Corridor without considering whether new transmission is cost effective solutions, let alone the most cost effective solution, without considering who will bear the cost of such new transmission, without examining the efficacy of non-transmission pollution, without evaluating the market impacts of the designation of a National Corridor, and without developing specific and finite criteria for designating National Corridors.

The Department's rationale for this approach is essentially three fold. First, it reasons that a broad interpretation of the Department's discretion to designate National Corridors is consistent with national concerns about the need to strengthen transmission infrastructure. Congress's intent for the Department's National Corridor designation process is to identify specific areas where federal action may be needed because deficiencies in existing transmission infrastructure are adversely affecting consumers. The approach the Department has proposed appears to go beyond what Congress has intended.

Second, the Department of Energy reasons it has broad discretion to designate National Corridors because FERC's permitting authority is limited under 216. The limits on FERC's permitting authority, however, may not adequately protect the state's interest. For example, nothing under section 216 requires FERC to pick the optimum solution, and FERC has taken the position that it can override a state's lawful denial of a permit application. As to the state's ability to remedy congestion, the very act of designating a National Corridor may cause downstream project developers to abandon already planned facilities. Such impacts should be considered before a National Corridor is designated in order to minimize disruption of existing markets.

Third, the Department has reasoned that designating National Corridors does not finally determine or fix the substantive rights of anyone, but simply provides an additional procedural option in the form of a potential federal siting venue. In this regard the Department of Energy has understated the importance of its role. As I mentioned, because the designation of a National Corridor creates federal backstop siting authority, it is not a step which should be taken lightly. Article 7 of the Public Service Law gives the Commission jurisdiction over the siting of major utility transmission facilities and establishes an effective process for review of proposed facilities. The one stop licensing process available under Article 7 has functioned well in the past and continues to work well for the siting of needed transmission facilities located within New York State. In view of the federal concerns over unreasonable local obstacles to the siting of transmission facilities, especially those which address intrastate needs, are unwarranted in New York State. Because the siting process in New York works well, there has been no demonstrated need to designate any National Corridors within New York State.

Given the potential effects of the Department of Energy's designation of a National Corridor on the balance of federal and state authority in this important area, and because

the Department has not shown that the designation of a National Corridor is necessary in New York State, no such designation should be made at this time. Thank you.

Jody Erikson:

Thanks. Paul Miller? And then Anthony Picente.

Paul Miller:

Thank you. My name is Paul Miller and I'm the Assistant Director of Planning in Madison County, New York, located 100 miles east of Rochester. I'm speaking on behalf of Madison County, seven other counties, and five citizens groups that make up Communities Against Regional Interconnection that opposes this Corridor designation.

When viewed from the perspective of upstate New York, most of the draft criteria as stated by DOE in its February 2, 2007 federal registered notice entitled "Considerations for Transmission Congestion Study," a National Interest Electric Transmission Corridors form a sound basis for not designating the mid-Atlantic area National Corridor. I'll speak to just two.

The prospect of this Corridor, with its powers of eminent domain and incentives for transmission construction, has spawned the solution of a 200-mile direct current limited use line proposed by the New York Regional Interconnection, a secretive, foreign-owned corporation. DOE's draft criteria number three requires that there must be aggregate economic savings over the relevant geographic areas and markets. I believe that upstate is a relevant area that should not be subjected to higher energy costs. By the admission of its architects, the NYRI project will increase power rates everywhere in upstate where the economy is in a continuous state of struggle.

Economic development considerations in New York and elsewhere suggest the DOE focus its attentions beyond the broad NIETC designation that subjects 47 counties, out of New York 62 counties, to the Windsor Merchant Transmission Corporation and significantly increase energy prices and adverse economic impact. An underpinning of the NIETC designation is the proposition that consumers in Northeast Metropolitan Corridor are paying higher prices for electricity than consumers elsewhere, and that these higher prices retard the Metropolitan New York area's economic growth and competitiveness. This prediction is shown to be unlikely based on a study from the New York ISO, its 2004 load and capacity data report, that predicts load growth and therefore growth of the economy in the metropolitan regions to be nearly twice that of the upstate region.

A Brookings Institution study released last month documents the state of the economy in upstate New York and other areas that will lose power through the huge transmission lines that will likely result. The study suggests 65 cities lagging behind the nation in economic development based on employment, business, and income statistics. Twenty of those listed cities are in the designated Northeast Electric Corridor and likely to face increased energy costs from the redistribution of electricity that the NIETC will cause.

Alternative means of mitigating the need for this Corridor have not been sufficiently addressed as required by DOE's draft criteria number 8. DOE has not demonstrated that it's even considered the new energy technologies, energy conservation, demand side management, new end zone distributed generation, and microgrids to strengthen the reliability, minimize the need for new transmission to bypass congestion and improve security. Instead, DOE proposes to create a free fire zone for huge merchant transmission projects. DOE had chosen to perpetuate their vulnerable system of huge transmission facilities that we inherited from the last millennium. Efforts to improve energy costs, independence, reliability, and security would be better served by focusing on other energy solutions as required by your own criteria.

For these and other reasons, Madison County and Communities Against Regional Interconnection oppose designation of the Mid-Atlantic National Corridor. We'll be submitting written comments. Thank you.

Jody Erikson: Thank you. I have two more elected officials, Anthony Picente and then Timothy Julian.

Anthony Picente: Good afternoon. My name is Anthony Vicente and I'm an Oneida County executive. I wish to open my remarks by lodging a formal protest that the Department of Energy did not convene a hearing on this plan in the upstate New York region impacted by the New York Regional Interconnect plan. For those who live along the affected area of this project, traveling more than 100 miles to help defend their homes and their communities, and to participate in what should have been an open and accommodating process is a serious imposition that they should not have had to endure. However, I am proud of those residents of my county and the other eight counties in the [inaudible] region that have made the trip today.

The issue of Oneida County residents and businesses and those along the proposed route of NYRI is not whether New York City needs an increased supply of electricity. The issue we have is that this proposal does not adequately safeguard dozens of communities from being destroyed by the footprint of a project that we fully oppose. Federal authority does not belong intervening in a matter where the lives of thousands of people and future of dozens of communities are at stake. Rejecting the will of the people of upstate New York through a bureaucratic backdoor that denies us all rights is unacceptable and unconstitutional.

Increasing the supply of power to New York City must be done in a way that preserves and protects the environment, the economy, and the quality of life of all people. I, like many, support a long-term plan to address power generation and not a quick fix to string a deadly, ugly series of towers and high voltage lines through a swath of destruction that will scar forever communities battling for survival as we are.

Federal action to supersede, or even ignore the clear infringements of our rights by this project is wrong. Further, the project does not even solve the problem it purports to address. There's already testimony from our business community and you will hear more today, that playing the game of musical kilowatts by shifting available power from one part of the state to another will result in higher energy costs and therefore higher cost of doing business in our communities.

The economic ripples of higher energy costs will mean not only will communities along the line suffer the blight of towers that pose unknown health risk and very clear damage to property values, but communities and businesses that are not even within the line of sight of the towering eyesores NYRI seeks to impose on our region will be feeling a deep and deadly pain with the rising energy costs.

On behalf of Oneida County, I strongly urge the Department of Energy to revise its plan for the National Interest Electric Transmission Corridor designation. To retain state and local control over our destiny, eliminate the ability of a project such as NYRI to end-run the due process that protects our communities. If the Department does continue to push this plan forward, I will strongly urge you to oppose the NYRI project. It will not solve downstate's needs or the Corridor's needs but it will surely crush the hopes of upstate. Thank you.

Jody Erikson: Thank you. Okay, Timothy Julian, you here? Okay. And then we'll move into the list of pre-registered folks.

Timothy Julian: Good afternoon. I am Timothy Julian. I am the mayor of the city of Utica, and forgive me if my comments somewhat ramble. I was unaware I was going to be speaking today but I was planning on submitting testimony.

As the mayor of the largest municipality this power line is going to dissect I'd like to bring it down to a more local level. Since day one that this plan was announced by NYRI, public meetings have been held where essentially NYRI representatives have come in and said, "It's a done deal. Just be a good neighbor."

Well frankly, I don't think basically dissecting our communities with a power line that has unknown health risks and unknown risks to the community is being a good neighbor. And being a good neighbor to whom? New York City? Does anyone in New York City know this line even exists, or need to know that it's going to exist? Does being a good neighbor mean that basically you're going to decimate our high-value neighborhoods in the city of Utica at the expense of, again, New York City and their power needs? And is this line actually going to New York City or is it going to close the Indian Point Power Plant in Orange County where, essentially, this line is going to end up?

The rail lines have brought commerce to the city of Utica and Oneida County and all the communities along these rail lines for many, many years. It's now going to bring decimation and ruination to these places that people decided to live to be away from power lines, away from the hustle and bustle of big cities.

This plan from the very beginning has been forced down our throats and being a good neighbor, as they keep telling us, is certainly not a reason to do this. We were good neighbors today and we drove out to Rochester, barely over 100 miles away from the city of Utica that will be impacted; another county, Madison County, where the impact will be. And I guess the reason we're here is still unclear of why this was scheduled in Rochester and not in Oneida County, or not in Madison County, or not in the city of Utica.

The old adage that "we're the government and we're here to help" is always met with laughter; it's certainly clear and apparent today. And I frankly am appalled at the absolute lack of consideration for central New York residents, many of which are here with us today, and the Department of Energy's overview of this project.

I oppose this project for many reasons and I will outline them in my formal testimony that I will submit, but outline it because it's going to truly ruin and decimate a community that can no longer take any more ruination at the hand of government. We've had enough. We're through. And frankly if you want to put a spike in the heart of central New York this is a good way to do it.

So at this point in time, again, I will submit testimony but I do formally oppose not only this power line running through New York State and running through the city of Utica, but I also oppose the way that the Department of Energy has handled this particular hearing by having it out here and truly creating a hardship for many of the people that are here today and overcome that hardship to be here to testify. Thank you.

Jody Erikson: I'm going to jump into the list of folks who pre-registered and remember -- just remind you it's two minutes so I'll give you warnings. Dave Krispinsky?

Unidentified Participant: [inaudible]

Jody Erikson: No, you're good. Okay. Pass.
Philip Morin? Great. After Philip, Daniel Hubbell. Okay.

Philip Morin: Good afternoon, Mr. Meyer, Ms. Morton. My name is Philip Morin; I'm a resident of Chenango County in the village of Sherburne. And I'm here to make some comments, oral comments that will supplement the written comments that I'll also make, both in regard to the designation of a Mid-Atlantic Corridor, and to the particular project of NYRI for the HVDC 200- mile transmission line.

The first comment I'd like to make is I think there needs to be enormously more transparency in the process that the DOE is using in the draft designation process. Reading the congestion report the map showed the areas of severe congestion. It also showed an area of near congestion called -- or a congestion area of concern, which covers the New England-ISO area.

One thing that has not been shown clearly in maps of sources of energy, as well as of the congestion, is what congestion situation is coming from the provinces of Quebec and the provinces of Ontario, which are part of the New England power pull and, in fact, are both heavily congested and have enormous reserve of hydropower which it appears is an objective of both the Ontario government and the Quebec government to export to the United States.

There's another problem that appears to be in play which is that there is a lot of trouble getting power from the hydro stations down to -- back into Ontario and Quebec in the southern portions. The NYRI power line appears to be a conduit, a very large J-shaped conduit which could be used to transmit power using the HDDC lines already in place in Ontario, in Quebec, and route it back down through the United States, sell power in the United States, but also wheel United States power back into Ontario and into Quebec. This I think is something that should be disclosed further in the discussions. I think that the NYRI project is in fact a piecemeal project which has a larger objective of tying into the HVDC network which is sited, strangely enough, just above Messina, NY, for both the inter-ties that are being planned for Ontario and for Quebec.

This is being done at the express hardship of United States citizens. Central New York will be decimated by this power line that goes through these valleys. On your way back to New York, look down to your left and you'll see the valleys you're decimating. Thank you.

Jody Erikson: Thank you. Daniel Hubbell. Billy Howard. Great. And then after Billy Howard, Ron Edwards.

Daniel Hubbell: For the record, my name is Daniel Merit Hubbell. I'm third generation of a hot dip galvanizing plant. We are one of 250 plants in the nation. We galvanize and powder coat power line poles, among many other steel products manufactured in Northeast United States. We support and make many local steel fabrication companies internationally competitive and we help them retain employees in an expensive area to be competitive.

The city of Utica population in 1978 was approximately 150,000. Mass exodus of manufacturers has caused our city to shrink to approximately 60,000. The canals, the railroad corridors, are where industry grew up and the manufacturing sector that remains are generations old and solid. The employees that will be directly affected include my neighbors, Hermosa Corporation, Vick's Lithograph, CSI Plywood, Husted Concrete, The

Fountainhead Group, and ourselves, O.W. Hubbell and Sons. There's approximately 300 jobs on the line.

Questions to this group, this line goes right through my plant, cuts my plant in half, separates me from my largest manufacturer, and it interrupts traffic flow and everything else that goes through my plant. Will this line, the location of it, cause us to move? Is it a clear swath underneath the power line? Can you assure people that can work for 50-hour work weeks for 40 years under these lines? Can a pregnant woman work under them? Can the lines run over 70 foot towers that exist currently? Can the lines run over an occupied building? Can we move steel in storms without fear? If we are told to move, who pays for my business to be whole? Who pays for the reclamation of my site? Who helps us permitting a heavy metal operation in another location?

Thank you.

Jody Erikson: Billy Howard. Ron Edwards. William -- thank you, someone saved me.

Bill Howard: Hi, I'm Bill Howard with the upstate New York Citizens Alliance located just south of Utica. According to the DOE's Kevin Kolevar in the OD the other day, draft NIETC corridor designation consideration was based on a source to sink model. Under this model, DOE hopes to link sources of abundant generation supply to sinks, or load pools such as metropolitan New York City. It sounds like a simple solution when considered at face value. In our case you hope to tap Ontario hydro capacity to fill the demands of New York City. However, if you extrapolate source to sink policy out over the next 20 years, combined with a projected rise of 40% in electrical demand forecasted to the year 2030, you begin to envision a nation overridden by imposing transmission lines that seem to never end. By 2030 and under your current plan, the days of traveling by car for scenic vacationing will be forever lost to memory.

In the specific case of New York State, your Draft Corridor Designation Policy, as stated, is most inappropriate. In the northeastern region of our nation, the concept of stringing transmission lines from New York City into Canada, some 400 plus miles, creates more of a detriment than good. The citizens of upstate New York would pay more in encumbrances to our economic health and aesthetic well-being than the city of New York would gain from your source to sink methodology.

DOE source to sink planning must have inherent distance limitations that do not exceed 50 to 75 miles. DOE source to sink methodology must seek to balance encumbrances equally with benefits. No load rich community should benefit at the extreme expense paid by host productive rich communities some 400 miles away. DOE source to sink methodology must prioritize use of pre-existing electrical Corridor locations by way of system upgrades. DOE must never, ever allow transmission siting locations to be selected by the applicant alone. DOE must never allow foreign corporation such as NYRI to run facilities along this most populous route possible throughout these many towns and villages, especially considering that their chosen route falls short of both the source and the sink destinations.

Thank you.

Jody Erikson: Ron Edwards. William, you know your last name. Thanks.

Ron Edwards: My name is Ron Edwards and I'm the Manager of Engineering and Energy Conservation and Revere Copper Products located in Rome, NY, also in the county of Oneida. Revere is one of the oldest, if not the oldest, manufacturing companies in the United States. We

use between 72,000 and 82,000 megawatt hours per year and we buy a good share of that power on the New York ISO day-ahead market.

In May of this year we paid an average price of \$80 per megawatt hour for this power. With the proposed power line in service, demand will increase on generators by the amount sent downstate, a steady extra demand of 1200 megawatts. The question is: what will happen to the pricing for electricity in our area with this extra demand? Considering that, look at the month of May compared to hot summer months. In May there are no extra demands from heating or air conditioning, so use that as a normal base price.

In May of last year our average price was \$68 per megawatt hour, while the time of summer peak demand averaged \$95, an increase of 40%. It is our belief and fear that the increased demand brought about by the power line will raise our normal prices by that amount. This would cost us \$600,000 to \$1 million or more per year. Revere is in a highly-competitive market and cannot simply raise prices to pay this extra cost.

Revere is opposed to the Mid-Atlantic Corridor. Manufacturers are fighting to compete in upstate New York with a disadvantage of high electric costs in place right now. This attempt to alleviate constraints for southeastern New York for that market will create constraints for upstate manufacturers.

Thank you.

Jody Erikson:

Thank you. William Guglielmo. Okay. I'm going to call -- William is the last person I have on the pre-registered list of folks I know are here. I'm going to call a few names just to make sure that they're not here. Richard Bolton? RoAnn Destito? Robert Skellan? You are here, okay. Great. Robert, why don't you speak right after William?

William Guglielmo:

My name is William Guglielmo, President of the Rome Area Chamber of Commerce in Oneida County. While the Chamber is fully aware of the need for establishing energy transmission corridors, our business community is opposed to the proposed corridors in New York State.

The proposed corridors are premature and will serve to draw attention away from the real problem facing New York State, that of inadequate electrical generating capacity in or near the areas that are growing the fastest in energy demands, the so-called "deep pocket" areas. Moreover, the proposed corridors will dictate where future generation plants will be sited and will offer only a temporary solution to a complex problem that needs to be solved through careful planning and strategic management of both the generating and transmitting infrastructure of the state.

Instead of solving New York's future energy problems, these corridors will further exacerbate the state's energy crisis by offering an easy fix to a complex energy problem that needs to be handled by the state's own Energy Commission and free market system pressure that will draw new entrants into the generation market as the demand for increased supply makes investment more attractive. In other words, by promoting the transmission of upstate power to downstate areas, the Corridor will serve to further stifle the construction of new generating capacity downstate at the expense of upstate economies. This will also serve to entice the import of Canadian hydro electric power which will increase our demand for foreign energy in stark contrast to the intent of the National Energy Act of 2005.

Cheap, reliable energy is a must for the future of our upstate businesses. We need both the generating and transmission infrastructure to insure that we can meet our future needs

and attract new businesses to the region. The corridors at this time are not the right answer. They only address part of the problem that will lead to a greater dependence on foreign energy. A great deal more strategic planning must take place before these permanent pathways are etched into our lands which will impact our future economic growth and prosperity.

Downstate energy needs cannot become the driving force that shapes our upstate economic future. New York intends to fix our own energy problems. Let us decide where generation plants are needed and where they will be located before you draw lines on the map that will control our future.

Thank you.

Jody Erikson: Thank you. Robert Skellan? Daniel Buckingham. After Daniel, Mike Taylor. Great.

Robert Skellan: I'm Bob Skellan. I'm a retired Designer with the New York State Department of Transportation. And for a number of years I've been doing extensive historical research in Madison and Chenango County, occasionally other places.

Most of the previous speakers have kind of stolen my thunder so I'm going to have to ad lib a little bit. I do want to add a comment to the Mayor of Utica's presentation. That is, he didn't mention that Utica is a town with exquisite architectural monuments and background and a history when it was known as Whitestown that ranges well over 200 years. And to split this town with the proposed power line would be absolutely criminal.

I think that some comments on Mr. Meyers' and Ms. Morton's presentation are in order, and that is I don't think any of us are naïve so that we don't already know this, but I want to emphasize that federal energy policy, like all other federal policy, is dictated by the industries that are behind these acts. And the question is, and what Mr. Meyer won't tell you and probably doesn't know, is how much money the power industry has poured into the Congress to get the 2005 Energy Act enacted. The remarks that he made were totally without attribution and without basis whatsoever, and he offered none. They do offer a study, but Ms. Morton won't tell you that the study has been vetted by the power industry to make sure it meets their, should we say, standard for presentation.

But beyond any engineering or statistical material that might be in the study, the one question I want to ask and I'll leave you with is if New York State has been losing population and industry for decades, then why do we need more power? Why can't the existing lines be rigorously rehabilitated?

Thanks.

Jody Erikson: Thank you. Daniel Buckingham. Mike Taylor. Michael Malloy.

Daniel Buckingham: How are you doing today? My name is Daniel Buckingham. I'm a professor in Utica at Munson-Williams. I'm speaking today as an American, a concerned citizen. I live in Clayville about 200 feet from where one of these towers will be located in the NYRI project.

In a post-9/11 world, we feel it is a gross overstatement of part of the DOE to propose a transmission facility that would run from New York City to Canada. This length of 400 plus miles will become indefensible against threats of both domestic and foreign terrorism. When you consider worldly importance of New York City and the target that

such a city presents, it becomes unthinkable that the DOE Draft Corridor distinction seeks to supply a city by way of a 400 mile mega-transmission power line.

The DOE NIETC Corridor proposition that would consider a transmission line of this length to supply a city of this significance, while running through upstate New York Corridor filled with such disgruntled citizens, does not sound like something that promotes anyone's national interest. The NIETC, which is the National Interest Electrical Transmission Corridor, we refer to this as the Notorious Invasive Electrical Transmission Concoction.

The only major transmission project currently under review by the NYSPSC is the NYRI project. NYRI chose the most invasive route possible because they wanted to spend the least amount of money on land acquisitions. That was money saved by them to perhaps be better spent on more pressing issues such as DOE and FERC lobbying efforts.

If the presenters like me seem a bit cynical, perhaps it is because they are upset by the way they have been mistreated thus far by NYRI and now by DOE choice of Rochester over Utica for this so-called hearing. The NIETC Corridor designation over and over and over again does not seem to us to be within the national interests of our citizens. If you want reliability coupled with accountability, locate your generation sources green or black, you choose, within the reasonable areas of consumption.

Thank you very much. Have a great day.

Jody Erikson: Mike Taylor. Richard Malloy -- sorry, Michael Malloy. William Schwenzfeier.

Mike Taylor: My name is Mike Taylor. I've lived in Utica for 60 years and I've owned a manufacturing business there for 25 years. The business just celebrated its 70th anniversary; we'd like to be around 70 more.

I'm very concerned about high tension power lines going through Norwich and Hartford, Clayville, Sauquoit and Utica. And as everyone else has said, why is this meeting here in Rochester? Norwich is a great place. Utica's probably got the best Italian food of any place within 100 miles; you would have liked it. If it was in Utica, you would need a much bigger room than this because -- you lost a little money on that because it would have been packed but you chose this.

The health effects from this decision are alarming and enormous. That has been documented. I have a grandchild up here in Rochester and she visits her grandparents, me and my wife in Utica, and her other grandparents in Norwich. It does not bode well for her or any other children to be around this type of high tension wires. And I'm sure you wouldn't want your children or grandchildren around them either.

If there are any health problems eventually, if this does go up, I would say the Department of Energy would be held accountable. So the money you're saving now, or you think you're saving in power, you're probably going to lose eventually in health related law suits. I think you should think about that.

Jody Erikson: Thank you. Michael Malloy. William Schwenzfeier. Perry Owen. Sorry.

Michael Malloy: Hi, I'm Mike Malloy. I was born and raised in Utica area. I went to New Hartford High School which was one of the top-ranked schools in the nation. In 2005 they were 134th rank. Of my graduating class, only a handful have stayed in New York State. Those who did stay went into family businesses which are now in jeopardy.

If NYRI and the current corridor is permitted to go through, I will lose my home. My four-year old daughter, Riley, and my three-year old son will lose the opportunity of growing up in the central New York area. My family is being asked to make a tremendous sacrifice for an incoherent state and federal policy.

Before acting on this proposal, further research in the conservation efforts and other efforts as to power supplies and supply chains should be done. The impact of this corridor will have environmental -- environmental impact, impact on agribusiness, and New York's rich history will be affected. Most of all, the effects on families who will be paying the price for these decisions will be felt for many years. If this does go through, I will be forced to probably move out of New York.

Thank you.

Jody Erikson: Thank you. I won't slaughter it a third time. Perry Owen. And then after Perry, Jayne Baran.

William Schwenzfeier: Good afternoon. I'm William Schwenzfeier and I live in Utica, NY. I would like to take some comments from a guest editorial to the Utica Observer Dispatch.

"The downstate power problem can be solved for less cost and more quickly than by building new power lines. The Shoreham Nuclear Power Plant lies fallow on Long Island. Shoreham is a virtual twin to Connecticut's Millstone-1 plant. Millstone was built for \$101 million and has been generating safe, reliable electricity for many years. Shoreham is perfectly good, fully capable of powering hundreds of thousands of homes, but unfortunately it sits rusting.

"There is now a great deal of scientific evidence showing nuclear power to be an environmentally sound and safe choice. Remember, Shoreham exists today and does not have to be built." That's the end of the editorial.

I would implore government, you, to do the right thing. Be ethical. Develop plans to provide proper compensation to areas where contributions are made. Government, study the best way to solve this problem with the least adverse effect on the people and the beauty of our region. Find ways to avoid destroying the economy along the areas affected by the plan.

I would like to take this venue to implore Governor Spitzer to quickly spearhead this effort among all government entities involved.

Thank you.

Jody Erikson: Thank you. Perry Owen? Jayne. Perry first, right before you; he's walking up behind you. And then Hugh Mitchell.

Perry Owen: Mr. Meyer --

Jody Erikson: Sorry. Why don't you hold on; he'll get out of your way. Go ahead.

Perry Owen: My name is Perry Owen. I live in the town of Norwich in Chenango County. I'm retired. I was transferred to live in this area by my company from the United Kingdom. We can live anywhere in the world that we choose, but we have chosen Chenango County for its pristine environment and its wonderful people.

Now the attached list comprises the names and addresses of all property owners in Chenango County that lie along the proposed NIETC NYRI Corridor. This list was compiled by my wife and myself from county maps, which includes in this list, and it places all property that rests within 1000 feet of the center of the Corridor. We were astonished to discover that there were 1030 property owners in Chenango County alone that might be affected by the DOE eminent domain proposal.

The county consists of approximately 55,000 residents, both adults and children. The highest population concentration exists in towns and villages adjacent to the railroad, the only means of mass transportation of goods and services existing at the time prior to the emergence of road transportation. The railroad was the catalyst spurring the evolution of these communities. Therefore, these property owners are the most threatened. Mass eviction to eminent domain will be an unrecoverable disaster for the county. One can only speculate where these evictees might go and the hardships they would endure to relocation, loss of jobs, and interrupted schooling, etc.

These data are only from one affected county. There are seven other counties which comprise CARI, Citizens Against Regional Interconnect, and one can only imagine the social devastation resulting from such an action by the DOE. Thousands of citizens would be displaced and experience great privation. There is a possibility that these folks would be the first U.S. citizens to become refugees since the American Civil War.

There is rhetorical question, has the DOE paid compensation to the number of people involved should this corridor come to fruition? They have in fact taken this fact into consideration. You emphasized that we should be good neighbors, an astute dichotomy. NIT Corridor, if approved, would completely polarize New York State.

Thank you for your time.

Jody Erikson:

Thank you. Jane. And then Hugh Mitchell. Karl Cehonski. And Ralph Lucia.

Jayne Baran:

Hi, my name is Jayne Baran from Cassville, NY. My comments are related to three specific New York State counties.

According to page 25897 of the Federal Register, Volume 75, Number 87, May 7, 2007, the Department of Energy selected as source areas "locations of substantial amounts of existing under-used economic generation capacity, as well as locations with the potential for substantial development of wind generation capacity."

Based on DOE criteria, the following revision should be made to the corridor designation. Number one, Oswego County should be included in the Corridor designation. Appendix D, available at DOE's website, shows the southern and eastern shore areas of Lake Ontario as having high potential for wind generation in New York State. Oswego County is the only county bordering Lake Ontario that is not included in the Corridor designation. In addition, several existing large generating plants are already located in Oswego County.

Number two, Broome County and Chenango County should be deleted from the Corridor designation. These two counties are not areas with the potential for substantial development of wind generation capacity, nor do they contain a substantial amount of existing under-used economic generation capacity. Furthermore, these two counties have no large transmission lines connecting existing sources to sinks, nor are they logical straight line locations for connecting existing or potential sources to sinks.

Thank you.

Jody Erikson: Hugh Mitchell. Karl Cehonski. Ralph Luera.

Hugh Mitchell: Good afternoon. I'm Hugh Mitchell, a spokesperson for the New York Atlantic Chapter of Sierra Club, and I'm commenting on the NIETC proposal. We'd like to point out that national, state, and local Sierra Club affiliations oppose the use of federal eminent domain for acquiring land to house new power lines.

As you know, the proposed transmission line corridors would essentially allow out-of-state, private power companies to actually bypass local and state regulations declaring huge areas, including most of New York, fair game for these power companies who will make the ultimate decisions to take private and public lands using eminent domain. We feel this is a mindless, politically-motivated Bush administration policy that the Federal Regulatory Commission could simply override state and local authorities and site new transmission corridors using the excuse that such action is in our best national interest.

Actually, from our Sierra Club studies we feel that the proposal is motivated by coal companies done in the interest of facilitating profits both for old and new Midwestern coal fire plants, and also the Ontario hydro. It is not in the public interest and invites strong legal action to oppose further movement on this proposal.

Hard science shows that there's going to be a very severe impact of global warming in the next 20 to 50 years, caused by CO₂ release from coal fire plants and fossil fuel. So there are two obvious solutions that Sierra Club calls for: conservation of energy and serious investment in clean, renewable energy which is widely distributed.

The proposed Department of Energy ruling creates unprecedented intrusion of the federal government into state and local land use decisions serving their profit interests. In summary, let me say the Sierra Club has three very brief proposals. First, withdraw the absurd name National "Interest" Electric Transmission Corridor Proposals. Number two, respect and preserve state and local powers to review transmission lines. And finally, adopt aggressive energy efficiency, energy conservation, and renewable energy programs to fight global warming.

Thank you.

Jody Erikson: Thank you. And Ralph Luera. And then those are the last two people I have who have signed up to speak or who have been pre-registered. I'm going to call a couple of pre-registered names again and then what I'd like to do, if there are people who want a second two minutes following Ralph Luera, then we'll have you come on up.

Karl Cehonski: Good afternoon. My name is Karl Cehonski. I reside in the village of Clayville and represent the Upstate New York Citizens Alliance. The Upstate New York Citizens Alliance agrees that a national energy policy must include increased emphasis on conservation, renewable energy, energy efficient alternatives, demand side management, innovations, and new technology, while simultaneously providing incentives to increase domestic production.

We believe that in an effective energy policy must be addressed nationally and that it must reflect traditional state and local authority over environmental and energy matters. It is clear to us that because of the deep pockets -- pocket lobbying efforts conducted by NYRI over the last two years, corridor designation at this time is being considered and at

this time seeks only to benefit the current NYRI proposal, which clearly remains oblivious to the virtues just stated.

We have met continually with New York legislatures over the past 13 months to express these concerns and we are confident that the governing body in New York is acting quickly to remediate regional downstate congestion issues. An example of this is evidenced by the action taken in the Assembly just last week regarding the enactment of the Article 10, the Power Plant Siting Bill.

As we move forward to resolve our state energy issues we are also here today to voice an absolute opposition to not only your NIETC corridor designation concept, but also to reprimand you for overstepping your boundaries as granted by EPACT 2005. As many other speakers have already said today, you have clearly overstepped. For an example, your corridors would allow state forest lands, lands that were originally placed under state stewardship only under the premise that they would remain forever wild. Now NYRI seeks to convert them to construction zones. Your corridor designation will allow NYRI to forever destroy these same wild and scenic places as they slice through them with abandon at the delight of Canadian-based profiteers.

There are many more objections that your time limits will not allow me to air. The Upstate Citizens Alliance will voice our objections in greater detail in our written testimony to DOE.

Thank you very much.

Jody Erikson: Thank you. Ralph Luera?

Ralph Luera: I'm Ralph Luera with Upstate Citizens -- Upstate New York Citizens Alliance. I'm also an American here voicing my opinion.

I wasn't prepared to speak today but listening to your opening statements, Mr. Meyer, you said that this proposal was brought forth by the power outages and stuff like that that happened in the past. And that's -- was the cause of those power outages as you stated, I believe, was due to the lack of investment by the private investors in upgrading and maintaining the infrastructure.

With that, this legislation really doesn't make much sense to me in that this legislation is providing funding and legislation to the very people that neglected the system that failed, that is causing these corridors to be presented and run through my backyard and the rest of these people here. I don't believe -- I believe the answer to why this is being done is corporate greed as you can see on some of the signs.

And I think by you having your meetings out here in New York and in Rochester -- I mean, out here in Rochester and in New York you are gagging the citizenry of New York State and the rest of the East Coast.

Jody Erikson: Thank you. Does anyone want a second round? Come on up and then -- and then state your name again for me.

Robert Skellan: I'm Bob Skellan. I just want to address a brief question to Mr. Meyer and Ms. Morton. What positive steps have you taken to conduct the next hearings in the affected Corridor?

Jody Erikson: We're going to --

Robert Skellan: I'm not hearing you.

Jody Erikson: The thing is, it's just a comment period time right now.

Robert Skellan: Well, I know.

Jody Erikson: And it's not a question. They're not going to do a question and answer.

Robert Skellan: But I want to [inaudible] them of the fact that they're here to discuss this 2005 energy policy. We're here to discuss the affected Corridor and therefore we'd like to have the meetings in these corridors. Now I'm on a fixed income and I probably blew \$30 and a half a day driving up here 115 miles and 115 miles back. So what steps have you taken to conduct hearings in the affected Corridor?

Jody Erikson: Your concern is that there aren't enough meetings in the Corridor currently?

Robert Skellan: There aren't any meetings in the affected Corridor.

Jody Erikson: Okay.

Unidentified Participant: [inaudible]

Robert Skellan: Yeah. New York and San Diego isn't -- I'm not going out there. Okay?

Jody Erikson: Okay.

David Meyer: I will speak briefly to this. When we proposed the -- we published the Federal Register Notice we planned on three public meetings in different parts of the country. We were requested to hold additional meetings so we have scheduled four additional meetings, seven in all. All of these meetings will be webcast. There will be opportunity for people to provide written comments to us and these transcripts will go into the record. And thus far, the people that I report to have decided that that is a sufficient number of public meetings.

Robert Skellan: [inaudible] information going back [inaudible]. It is not sufficient. You're not doing your job. You're not representing American and our freedoms with responsibility.

David Meyer: I recognize your perspective.

Robert Skellan: Please take that recognition back to your boss and tell them that we need to have meetings in Utica.

Jody Erikson: So let me -- I think they heard that loud and clear so I'm going to have -- there's a couple people who wanted their second two minutes and if you want to pop back up here and do that, that's great. Go ahead.

Philip Morin: Thanks. I think it's indicative of the planning process, as I was saying before, that people drove three miles to get -- three hours to get 120 seconds of comment time. So thank you for the remediation of an extra few seconds. I wanted to finish.

You might recall I talked about -- I'm Philip Morin for Chenango County -- I talked about the idea that there's high voltage DC system being overlaid on the AC grid and that primarily has been to provide for hydro transmission from Canada to the United States. Also my premise is that part of that system is because of the constraints in Ontario and in

Quebec which are not inter-tied well east-west, that the NYRI project is actually a portion of a larger HVDC overlay plan that will effectively make Canada the highest beneficiaries of this activity which is being funded through the United States government with what's called EPAC-style enhanced cost recovery for the Canadian investors of this line.

As well, the EPACT 2005 gave NERC some fine -- some regulatory remedies for lack of reliability. It amounts to \$1 million a day fine for a U.S. participant. In Canada I understand that the Ontario -- the Quebec government has decided that they could only be fined if they agree that the fine is acceptable to them and only at a rate of \$500,000 a day, or half of what the United States participant could be fined. I understand these aren't final regulations; I'm just talking about the planning process.

And I think what you've heard today is that New York State is trying now to come to grips with its own energy policy which should take care of New York State quite well. Remember the NYRI [inaudible] I mentioned earlier, they're not on the corridor list right now and that's because generation came in quite recently as a result of activities since 2005 which took care of the immediate congestion problem in the New York ISO, as I understand it.

The last comment I want to make is that there are better ways to get hydro power down to the east coast. You know the Neptune projects, which were not marketable at the current time, require only that you negotiate with the Army Corps of Engineers who have, as I understand, sole authority over the coast line to place line. So that would be much easier than taking this on the backs of the United States tax payers to re-supply electricity to Ontario and Quebec.

Thank you.

Daniel Hubbell:

Dan Hubbell, with O.W. Hubbell and Sons. One of the things that I wanted to stress was the job sector that this line proposes to cut through. All these companies offer good benefits. They all offer -- have decent sized families. They're all multi-racial companies. Utica, NY is an export -- or an import of job for immigrants that come from New York City. It's one of the larger disbursements of immigrant work.

The second item that I wanted to bring up is the location of Rochester and the location of New York City. New York City and New Jersey were to benefit by this Corridor. Utica is to give up its lifestyle and its jobs.

Rochester was a pitiful spot to be picked. You have a tiny room here, and as the man said before, you should be standing room only. You've heard the pros in New York. You've heard the cons from just a small group. Bring the meeting to Utica, and allow the people that you're going to see, their lives decimated. You've heard people talk about their houses, their job, generations. You can't just walk over these people without at least hearing their side.

Jody Erikson:

Thanks. I saw Perry's hand go up. Do you want to second round?

Daniel Buckingham:

I'll be after Perry.

Jody Erikson:

Okay.

Perry Owen:

Briefly. This is a set of maps that I was able to obtain, which are the NYRI maps. And the interesting thing is that the red, the red section, is a proposed corridor. The green section

is an underground corridor; both are NYRI. And I would urge you very, very strongly to look at the underground corridor very, very seriously for many reasons which I will be giving in my written testimony.

Jody Erikson: Just say your name again, sir.

Daniel Buckingham: Hi, Daniel Buckingham again from Clayville, NY. David or Mary, can you go back to that map that you had of the designation of the corridor that you have with New York State? It was kind of like an orange blobby looking image.

Okay, if we look at where Rochester is located on that map, it's like that blue diamond way up by the lake there. You see that?

Jody Erikson: How about that?

Daniel Buckingham: Yeah. Or further west.

Jody Erikson: Sorry, I didn't look at a map before I flew.

Daniel Buckingham: Sorry. No, that's -- you're over in Erie, Pennsylvania there. Yes, there, right above there. Go straight up. Okay.

Jody Erikson: Somewhere over there.

Daniel Buckingham: Yes.

Jody Erikson: Thank you.

Daniel Buckingham: Okay, wait. David, could you just hold that there for a second? I want to make a point.

Okay. We are where the bright red dot is. I don't see where that's so close to your corridor designation.

Jody Erikson: The corridor's the gray.

Daniel Buckingham: Yes, but what about the massive population that you have there in orange, the critical congestion area? Yes, the critical congestion area. On the edge of it is where Utica, NY is and we are the epicenter to feed the NYRI project. And we would like to have you and the entire DOE to come to Utica, NY.

Mary Morton: We understand.

Daniel Buckingham: Do you really understand that?

Mary Morton: We understand your point.

Daniel Buckingham: Okay. Then please bring the point back to your bosses and I invite you to Utica.

Mary Morton: Excuse me, sir. We have briefed our superiors each time we've come back for one of these meetings and we will do so again.

Daniel Buckingham: Okay.

Mary Morton: So we reiterate this point.

- Daniel Buckingham: Thank you. I kind of do believe you right now, but I would really believe you if you really came to Utica. And the other thing I invite you, very serious as we have all of the officials of New York State and many of them have actually shown up, to Clayville, NY, to our fire station or our library and we have talked with them face to face, along with Walter Rich who owns the line, the train line. And we invite you there. We will put on a wonderful dinner for you. We have foodies that live in Clayville.
- Mary Morton: I won't be able to accept that dinner but I appreciate the offer.
- Daniel Buckingham: All right, but I tell you if you came we'd blow your taste buds out of your mouth. And you would see the real cause of this problem because it's probably not unlike where you live. You do not want to be displaced by a distortion of somebody in a free market system who's going to come and take away your heart, soul, and history. Think about that.
- I'm assuming you took an ethics course somewhere along the line. Go back to the basics. Let's not put the horse before the cart. Let's be reasonable. This is the 21st century; we have a lot of problems to solve. This is not the way to do it. Thank you.
- Jody Erikson: Any other people want a second round? Sure. Come on up. If you didn't get a chance but you thought, "You know what? Now's the time." You thought of something, something that someone didn't say. Just say your name.
- Carol Higgins: Thank you very much. My name is Carol Higgins. I live in New Hartford, NY, which is just outside of Utica. I've lived there all my life and I just wanted to make a comment about some of the information I've been reading on your website.
- I've been looking through some of the documents and trying to understand a little bit more about the -- perhaps the reasons and trying to be open- minded about actually having a National Corridor designated anywhere in the country, not just here but anywhere. And in fairness, I -- in some of the information that's posted I understand that there are congestion areas and I understand that this country is growing and we need to be considerate of national security, we need to be considerate of people wanting to go into the living room at night when they come home from work and turn on the electricity and have the light come on. So I understand all that.
- But it seems to me that one of the things -- I will just read a little bit out of a document that's on your website. It's a "frequently asked question." It's very good about giving bullet points about some of the topics that are very important in this issue. And it begins with, "What is the National Interest Electric Transmission Corridor?" And I'll just skip a lot of it, but in particular I want to read a couple of sentences.
- "A National Corridor designation does not preempt state authority or any state actions." And that's very important to me, as it should be to everyone in this whole country, wherever you live.
- Continuing on it says, "Furthermore, a National Corridor is not a siting decision or does it dictate the route of a proposed transmission project. The National Corridor designation serves to spotlight the congestion or constraint problems adversely affecting consumers in this area." Okay, well that sounds pretty good. That's a pretty good justification.
- You go on by saying on the website that, "The Energy Policy Act provides a potential siting venue at FERC for transmission facility proposals within the National Corridor in practice. This will mean that if an applicant does not receive approval from a state to site

a proposed new transmission facility within a National Corridor, then FERC may consider whether to issue a permit and to authorize construction of the facility."

Well previous -- just the sentence before that it says, "On a more specific level, the designation of a National Corridor is a necessary first step in providing the federal government through the Federal Energy Regulatory Commission siting authority that supplements --" supplements -- "the existing state authority." And I'm proposing to you that that word should be "usurp," not "supplement." Because what you are suggesting is that the Department of Energy can ignore what the state says is good for them and you can approve a project like the NYRI project that's going to go over the heads of children in classrooms and people that are living in their family homes and buildings that their fathers have formed. You're actually taking the power away from the state and as a citizen of this country I don't think that's what our Constitution is all about.

So I object to the wording that's on your website and I object to the fact that I think you're misleading what the ultimate end result of designating a National Corridor might in fact be. Thank you very much.

David Meyer:

Let me clarify one thing; that is the Federal Energy Regulatory Commission is an independent body. It's not part of the Department of Energy. Its members are appointed by the President and confirmed by the Senate. And the -- as I outlined to you before, if DOE designates a corridor in a particular area, then under certain conditions, yes, the Federal Energy Regulatory Commission may assert jurisdiction. But whether that will happen is very difficult to say. I certainly don't regard it as inevitable. There are only certain conditions under which FERC could exercise jurisdiction, and even if it did exercise jurisdiction the outcome of its decision is not at all clear.

The FERC is -- they would have to conclude that it was in the public interest that they -- if they wish to overturn a state decision, the state decision would be made presumably on a public interest basis. Then FERC would have to come along and find some very strong reason to overturn that decision. They would not do that lightly, if only because they would recognize that such a decision would be very likely to be challenged in court and they would have to defend it in court.

Carol Higgins:

[inaudible] My only comment [inaudible], if there was only a 0.000001 chance because of the fact that a National Corridor has been designated, that's probably why a lot of people are against National Corridor designation; because it opens the door. Even though it's a minor -- there is a minor possibility, it still opens the door for FERC folks and then you guys.

Jody Erikson:

Just in case anybody didn't hear, the concern is that even though it's a chance in a million, it's opening -- it's possibly opening a chance. Okay.

Okay, I've got one more person who wants to speak a second time and then what we're going to do -- oh, we've got a firster. So I'm going to let the second speak and then first speaker and then we're going to take a 10- minute break.

Billy Howard:

Bill Howard again, Upstate New York Citizens Alliance. I have a question for David or Mary. Could either one of you explain to us -- it's our understanding that the State of Texas is exempt from being considered for National Electric Interest Corridors. That's a real big question we've all been wondering about. Could you shed some light on that for us?

Mary Morton: The simple answer to that is the State of -- most of the State of Texas, I think about 80%, is electrically unique within the continental United States because there are only two DC ties. It's essentially an electrical island and in almost all federal electricity laws they are exempt.

Billy Howard: So our presumption that it was because that's where the President resides were false?

Mary Morton: Yes. There's a long --

Billy Howard: Like an island.

Mary Morton: It's like an island.

Billy Howard: It's north of Mexico and south of -- what is it, Arkansas?

Mary Morton: It's not --

Billy Howard: It's an electrical island.

Mary Morton: It's not interconnected to its neighbors the way every other continental state in the United States is.

Billy Howard: Okay.

Mary Morton: That's a short answer.

Unidentified Participant: [inaudible]

Jody Erikson: So let's go on to the next -- that answers your question so I'm going to go on the --

Billy Howard: It's an independent -- 80% of Texas is an independent network of high voltage wires that nobody would want to live, and the other 20% is a nice place to live. Is that what you're saying?

David Meyer: No. There are -- in North America there are four areas that are interconnections. There's the -- everywhere west of the Rockies in the United States in Canada, that is one big electricity network. Every generator in that interconnection is ticking over at exactly the same -- all in-phase at 60 cycles a second. And then you have another big interconnection east of the Rockies everywhere except Quebec and Texas. But for historical reasons, those particular areas are their own little, relatively small interconnections.

Billy Howard: So they could have a slightly different frequency.

David Meyer: Except for the very few DC ties that go across these interconnection boundaries, they are simply separate systems. They are not -- these systems are AC, alternate current, based, which means that what happens in one area instantly affects what happens somewhere else. A DC system doesn't operate that way, but in any event we've got these four areas and they are essentially independent areas for most electrical purposes.

Billy Howard: Thank you.

Jody Erikson: Okay. Go ahead. State your name.

Charles Higgins: I just -- my name is Charles Higgins. I live in New Hartford and I represent myself.

When I saw these maps I was staggered by the size of the Mid-Atlantic National Corridor. I read your information about the methodology of using source and sink. I believe that methodology is flawed. I believe that using that methodology, you will not take adequate concern for national security, that is, the security of the transmission lines themselves.

I also support a statement that a previous speaker made that you should limit your source distance to 50 miles; that's something that's protectable. A 400-mile transmission line I don't believe is protectable under any circumstances. I also encourage the Department of Energy to converse with the U.S. Army and find out what kind of actions are being taken against the transmission lines in Iraq because we can learn a lot from that in our own planning. We live in today's world and we have terrorism and we need to be concerned about that. And I think a map of this size is completely -- I believe it's technically indefensible.

I don't believe that it is realistic to construct a system where you're transmitting energy from Buffalo to Philadelphia. I just don't believe that's a reasonable way to construct the system. Your sources need to be much closer to the sinks so I request that you please reduce the size of this corridor to something far more manageable. Thank you.

Jody Erikson: Okay. We're going to take a 10- or so minute break. I think my watch is fast so 3:00? If we come back here at 3:00, we'll see if new people have signed up and DOE folks will be here until 6:30 at the latest; that was the close out time for people to sign up. So come back in 10 minutes at 3:00.

Jody Erikson: Welcome back, folks. I've got a couple new folks to speak.

Michael Arcuri: Should I begin?

Jody Erikson: Yes, sorry. Go ahead.

Michael Arcuri: All right. Thank you very much. My name is Michael Arcuri, I'm Congressman for the 24th District which makes up a very large part of the central swath of New York State where the proposed power line, the NYRI, power line is going to run through. I thank you for the opportunity to speak here today. Many officials at the Department of Energy are aware that I strongly oppose both these Draft Corridor designations and also the entire section of Energy Policy Act 2005 that created this process we are currently embroiled in.

I will discuss my specific objections to the current law, but I would be remiss if I didn't begin by addressing the fact that this hearing is being held here in Rochester. I believe that it is disingenuous and shows a total lack of respect for the people of upstate New York for the Department of Energy to be holding this public meeting so far from those who are most affected by this issue.

Now I acknowledge that the Department of Energy was not required by statute to hold a 60-day public comment hearing before issuing a final National Interest Electric Transmission Corridor designation, and I thank the Department for the decision to at least do that. However, from the moment that this decision to hold public comment period was made last November, it is as if someone at the Department flipped off the light switch over concern for obtaining meaningful input from the public that is the public most affected by the proposed Corridor designation.

I join my colleagues, U.S. Representatives John Hall and Maurice Hinchey in requesting that that Department host additional public hearings within areas they refer to as "source areas," that is, locations that will supply the power to the locations in need. This hearing is the result of that request, but its location here in Rochester seems to show a total complete lack of concern for those whom the Department of Energy serves. It seems to me that the selection of Rochester for this additional meeting is more about the convenience of the representatives of the DOE and less about hearing from the public. Running from criticism is not the American way. We stand up for what we believe in and if we believe in our actions we are willing to defend our actions against those who would criticize them.

As I said earlier, I represent a large portion of the area and I have traveled a great distance to be here today from my work in Washington, not only to share my views but also to speak on behalf of those residents of upstate New York who I represent, those who were unable to take the day off from work or arrange for childcare so that they could travel the 130 miles or more to accommodate the schedule of these Department officials. Their comments are here and I have with me today a binder with a number -- a very large number of comments of individuals from throughout the District collected at public meetings which I held about a week and a half ago in New Hartford and Norwich. Over 500 people -- that is Norwich, NY; New Hartford, NY -- over 500 people, many with very strong opinions on this issue attended these meetings and filled out the comment sheets that I respectfully submit for the record.

I turn now to specific objections that I have to the Draft Middle Atlantic Area Corridor designation issued by the Department of Energy. Section 1221 of the Energy Policy Act of 2005 was intended to streamline the approval process for electric transmission projects which would provide electricity to geographic areas that are experiencing -- and I want to stress this -- "capacity constraints and congestion." The procedure the section created, however, unnecessarily interferes with the well-established state regulatory procedures, state laws, and state's carefully crafted long term energy policy.

The designation of these National Interest Electric Transmission Corridors essentially creates federal spheres of influence within states by allowing federal regulators to approve projects that have been delayed or outright rejected by states that have crafted their own energy policies.

On Wednesday, April 25, of this year, New York State Assemblyman Paul Tonko, who is Chairman of the Assembly's committee on energy, testified before the House committee on oversight and government's reform subcommittee on domestic policy regarding the impact of section 1221 on the state regulators. I was allowed to sit on that panel and ask Mr. Tonko questions. He stated that for the last 40 years, New York State has had a very public, very thorough investigative and administrative due process for transmission line siting. And we have sited lines in the past and I would point out specifically the Marcy-South Line which I would point out is presently running, at best estimate, at about 50% of its capacity.

In his testimony before the subcommittee, Assemblyman Tonko stated that New York State has a comprehensive state energy policy designed to simultaneously lower New York's high cost of energy while expanding the supply of cleaner generation sources. He further stated that the transmission line, which does not comport with the policy goals of the comprehensive energy plan and is focused solely on maximizing profit opportunities for the project developer, and this could jeopardize the overall plan if the Department of Energy decides to override the state plan.

Now we all know the problem. The problem, obviously, is lack of generation capacity in and around the areas of high use. And I call your attention to an editorial in the New York Post from June 6, earlier last week. And in that article the New York Post says, among other things, "Overall there is no serious debate New York needs new generation." There is no question, but the issue here is the fact that New York City does not have sufficient generation. And this power line proposal, this Corridor that you are talking about designating now, will not help New York City in its problem to develop generation. It will only stand to create more of a dependence on other -- power from other places and will not deal with the issue that need to be dealt with.

By allowing this Corridor to go through, New York State's energy policy, New York State's energy plan, will not be able to take effect because we will be circumventing what the state is trying to do. Section 1221 gives the companies proposing projects within corridors an end-run around the state and local opposition by setting up a dual track system whereby state and local prerogatives can be ignored in improving electric transmission projects. And allowing it would allow federal regulators to usurp state's rights to approve or reject electric transmission projects within state borders.

The current procedure addresses neither the concerns nor the intent behind 1221. And that article in New York Post goes on to point out that one of the problems is the attitude that no one wants it "in my backyard." And that is one of the problems in New York City. They know that the need for generation is there and yet they don't want to build generation power, they don't want to build generation plants in New York City. And we understand that. We in upstate New York are good neighbors. But the fact of the matter is that this proposal will allow independent power companies to use eminent domain to put power lines wherever they want and we will not have even the slightest say in it.

And I've been using this example as I discuss this. It's sort of like asking someone to borrow \$100 from them. And when that person says, "Yes, I'll agree to let you borrow \$100. I'll give it to you in \$20s," the other side says, "No; I'm not going to take it in \$20s. You give it to me in \$5s and \$10s. That's the way I want it." That's a very simplistic example of what is going on here. Not only is the power coming from upstate but we're not even getting any input in how the power is delivered to New York City.

By creating the eminent domain, by creating this corridor, it will be in the hands of private utility companies and it will be taken away from the people who we empowered to give that decision to, to our government, to our Department of Energy. We are taking that power away and we don't want that. That's why we have government. That's why we've set up government, so that they make the decisions that are best for the people, not a company with investors from other countries who make their decisions based upon the bottom line, based upon money. That's what this corridor does. That's what it allows for and it creates the ability, the very incredible ability, of eminent domain to be given to private companies.

Now by setting up these energy corridors, the law provides private utility companies to run power lines that do nothing whatsoever to alleviate congestion. In the case of the present proposal within the draft of the Mid-Atlantic Area Corridor by New York Regional Interconnection, the project would make congestion significantly worse because it would only bring additional power to the Rock Tavern Substation in Orange County, 70 miles outside of New York. This is north of the so-called "bottleneck," which of course will not alleviate congestion but only create more congestion for New York City.

So not only is this proposal -- not only do we get no say in the proposal, but the proposal will not make the situation better. In fact, it will probably make the situation worse. And

NYRI tells us that this is to prevent blackouts. This has absolutely nothing whatsoever to do with blackouts. That's about talking about scare tactics to frighten people to make people think that we have to do this. We are talking about good government. We are talking about the ability of the Department of Energy to make decisions based upon all the people, not just the users, and there are many of them. There is no question but the 8 or 9 million people in New York City need alternative power. They just need it in a more responsible way. It's not the idea, it's the plan that we object to so vehemently.

While most of us in upstate New York consider ourselves good neighbors and understand New York City's energy problem, we know that if the proposed corridor is created our energy costs could go up by 7% to 20%. Now that's not our projection; that's the projection made by NYRI in their own proposal. And that's energy. That's 7% to 20% increase to an area that may not have energy costs as high as New York City but it's pretty close in upstate New York. And the area has lost many of its businesses and jobs as a result of already high energy costs. This proposal will just drive up energy costs even more and what would end up happening is losing additional business, which we cannot afford in upstate New York.

Now while many of us want to help New York City with its energy problem, we think it's unconscionable that we do not get a say in how the power is run down to New York City. That is via 130-foot towers and through the middle of our cities and our towns and our villages. That is what we have seen happen before and that is what we fear will happen again if this corridor is approved. And we know full well if it is approved, we will have no say whatsoever not only in what is done, but the way in which it is done.

Now finally, and probably the most egregious of the procedures created by section 1221, is the federal eminent domain power to private companies which I spoke about earlier. They receive -- they will be allowed to run roughshod over local communities and take private property from landowners. Now again, in the Marcy-South power line project, that was run -- power was run down to New York City but eminent domain was not used in that particular proposal, so it's possible to do it. It's the federal eminent domain given to a private company that is so troublesome to us. It's not the Department of Energy's proposal that makes this policy so unacceptable; it's the ability of private companies to use eminent domain. That's a very awesome power that should only be wielded by government, never private companies, and only in the most extraordinary of circumstances.

It seems that the only group to support this company's proposal or the Department of Energy's Draft Corridor is the company proposing the project itself, that is, of course, NYRI. Now I've lived in upstate New York nearly my entire life and I can say without hesitation that no other issue has ever generated so much opposition from so many parts of the District, and such a diverse opposition. This is one of those issues that incenses people, not just because -- not just people like me who live 400 feet from where the NYRI line would run, but also the thousands of people who will suffer the ill health effects caused from living below power lines that emit electromagnetic fields believed to cause cancer. We're not talking about secluded fields or wooded areas where no one lives. We're talking about an area that's densely populated. We're talking about running a power line through cities, towns, and villages where thousands of people live, people with children and grandchildren, children who play, attend school, right below these power lines. Please do not think of these people as simple numbers or simple statistics to be tallied on a list and filed away in some far-off office. These are our children.

Let it be known right here and now that those of us here today and many, many others will continue to oppose this Draconian process with every ounce of our being until the

authority is returned where it belongs, to the state and local governments. I thank you for giving me an opportunity to speak today and I appreciate you holding this hearing. Thank you.

Jody Erikson: Thank you, Representative. I have two additional folks. Leon Koziol and Joanne Jones.

Leon Koziol: Good afternoon. My name is Leon Koziol. I'm an attorney in upstate New York and I do a lot of work with landowner groups in central New York area. I've come here on my own behalf but also on behalf of a small group known as the American Land Rights Coalition. It's a not-for-profit corporation whose principal interest is to look out for those rights of landowners, people locally and a variety of different context. As relevant here, of course, we're talking about a major, massive project in which federal and state interests clash.

My principal concern at the outset, like many of the other speakers, goes to this notion of -- I would interpret it as a due process issue. While that type of rule of law wouldn't necessarily apply here, I understand that, what you're attempting to do, what you're endeavoring to do, is to have a review process. And that review process does not carry much weight in my mind unless you do an adequate and thorough recognition, a hearing if you will, of the concerns that have been ventured by many people in that area.

Over the past year there have been numerous hearings, meetings, sessions, by citizen groups, members of the local electorate, those elected officials who felt the need to get the kind of input that I think you need. And by overriding those concerns by not having a hearing where it should be properly sited, it really is an insult as many of the representatives already speaking have pointed out. We have to have hearings conducted in those locations where residents are most affected. If we're going to have due process, the notion that we're going to hear the interest of the people, the notion that we're going to have a proper and adequate review process, then we have to have hearings in those locations.

I've been notified that I have a sign that I only have 30 more seconds to speak. I'm one of the fastest speaking attorneys I know of in my area. I've been told by stenographers in courts I speak way too fast, however it's a flaw that seems to work well for me here. With the remaining seconds I have, as you can see I barely said hello and I can't even begin to even endeavor to give the interest -- the concerns of the citizen group I represent and so many of my clients and landowners in that area would like to convey to you.

A school district, for example. A former school board member that had to look at these types of things and that is a big concern that such power lines could come right in front of school districts. We have to do a better job under this concept of federalism and give more credit and respect to the states and their interest here, simply not being done under the federal policy act at issue here. And I'm well over my time. Certainly that should be a reflection of how inadequate this hearing is.

Thank you.

Jody Erikson: Joanne Jones?

Joanne Jones: I never thought I'd have an opening act of Mr. Arcuri and Mr. Koziol. I'm just a mom and my name is Joanne Jones and I'm from Paris Station. And we have a family-owned business which hires about 10 people. Each family has approximately five people, so that adds up to about 50 people that this power line would affect. It would run right through our business. We would have to either close our business -- and I just want to know, how

would I tell my three boys that we could possibly lose our business, our six generations family business?

Jody Erikson:

Thank you. Those are the people that we have signed up to speak so what we're going to do is you're welcome to hang out. Because we set this meeting so that folks could come after work so I'm assuming that probably around 5:00 we're going to get a new wave of folks. So we are going to hang out. You're welcome to hang out. DOE is going to be available. And then when the speakers come in and we get one or two we'll pop them back up when they show up.