

**Draft National Interest Electric Transmission Corridor (NIETC)  
Designations;  
Other Correspondence Received in Public Meeting,  
Arlington, VA, Tuesday 15 May 2007**

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Questions Regarding the Draft Mid-Atlantic Area NIET Corridor Designation

Submitted by Barbara Kessinger on May 15, 2007

1. Between the release of the National Electric Transmission Congestion Study on August 8, 2006, and the issuance of the draft Mid-Atlantic Area Corridor designation on April 26, 2007, was there any attempt made by the DOE to divide the mid-Atlantic region into two smaller regions so that the New York City area and the Washington D.C./Metropolitan area would no longer be interconnected? If so, please elaborate.
2. Has the DOE determined with certainty how long the corridor would be in effect, or is the 12-year period just an estimate? Would it be possible for the corridor to be narrowed over time as congestion problems are partially resolved? Is a summary of the “for cause” reasons the DOE could rescind, modify, or renew the corridor available for citizens to review?
3. Has the DOE determined the eminent domain law that would apply to the taking of private property for the siting of a transmission line pursuant to a permit issued by the FERC? Would the same body of federal law apply to citizens who reside in different states, or would respective state laws apply? Is a summary of the applicable eminent domain law available for citizens to review?
4. Between the release of the National Electric Transmission Congestion Study on August 8, 2006, and the issuance of the draft Mid-Atlantic Area Corridor designation on April 26, 2007, was there any attempt made by the DOE to formulate for recommendation national energy policy that would mandate energy stewardship (i.e., conservation, energy efficiency, and demand-side management) at the federal level? If so, please elaborate.



## Department of Energy

Washington, DC 20585

May 9, 2007

Barbara Kessinger  
15033 Walking Stick Way  
Haymarket, VA 20169

Re: FOIA-2007-00418

Dear Ms. Kessinger:

This is in response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. 552. You asked for copies of 1) all data considered or relied upon by the DOE to prepare its congestion study during August 1, 2005 through August 31, 2006; and 2) all data considered or relied upon by the DOE to prepare its draft mid-Atlantic NIET Corridor designation during August 1, 2006 through April 26, 2007.

Your letter did not state a willingness to pay fees to process the request. In a telephone conversation with Mr. Chris Morris of my staff on May 8, 2007, however, you requested a waiver of fees and stated that you would provide your justification for a fee waiver to Mr. Morris. In an electronic message to Mr. Morris on May 8, 2007, you provided your justification for a waiver of fees. You also stated that you were willing to pay up to \$25.00 in fees to process the request in the event that your waiver of fees was denied.

Your request has been assigned to the Office of Electricity Delivery and Energy Reliability (OE) to conduct a search of its files for documents responsive to the request. Upon completion of their search and the review of any documents that may be located, you will be provided a response.

I have reviewed the information that you provided as your justification for a waiver of fees. I have determined, however, that a waiver of fees is not justified and therefore denied.

The FOIA sets forth the following four pertinent factors that are considered by the agency in applying the criteria:

1. The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government";



2. The informative value of the information to be disclosed: Whether the disclosure is “likely to contribute” to an understanding of government operations or activities;
3. The contribution of an understanding by the general public of the subject likely to result from disclosure (i.e., the requester must have the ability and intention to disseminate this information to the public); and
4. The significance of the contribution to public understanding: Whether the disclosure is likely to contribute “significantly” to public understanding of government operations or activities.

The information you provided satisfies the first two factors that are considered for a fee waiver. The information, however, failed to address the remaining factors satisfactorily.

The third factor that is considered in a fee waiver determination considers whether a requester has demonstrated the ability and intent to disseminate information to the public in a form that can further the understanding of the subject matter by the public at large. See Title 10, Code of Federal Regulations (CFR), Section 1004.9(a)(8)(i)(C).

While you have stated that you plan to disseminate the information through an established network of grassroots and other organizations, you have not identified these entities nor have you provided proof of their intent to publish the information you may receive. Moreover, you have not demonstrated that you or any of the entities have the expertise in the subject area related to the documents requested that would allow you analyze and publish it in a manner that the general public would understand.

The fourth factor that is considered in a fee waiver determination is that disclosure of information must contribute significantly to the public’s understanding of government operations or activities. See 10 CFR 1004.9(a)(8)(i)(D). To satisfy this factor, the level of the public’s understanding of the subject matter must be enhanced to a significant extent by disclosure, when compared to the level of public understanding existing prior to the disclosure. You have not established how the information requested would enhance the public’s understanding of government operations or activities, nor that the material would advance such understanding to a significant extent.

You may challenge the determination to deny your waiver of fees by submitting a written appeal within 30 calendar days of receipt of a letter denying any portion of the request. The appeal should be made to the Director, Office of Hearings and Appeals, HG-1, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-1615.

The written appeal, including the envelope, must clearly indicate that a Freedom of Information Appeal is being made. The appeal must contain all other elements required by 10 CFR 1004.8. Judicial review will thereafter, be available to you: (1) in the district where you reside; (2) in the district where you have your principle place of business; (3) in the district where the DOE records are situated; or (4) in the District of Columbia.

Since I am not granting your request for a fee waiver, your request will be processed in accordance with the appropriate fee category to which you have been designated. For purposes of assessment of fees, you have been categorized under the Department's regulation implementing the FOIA at 10 CFR 1004.9(b)(4), as an "other" requester. In this category, you are entitled to two hours of search time and 100 pages at no cost.

If you have any questions about the processing of the request, please contact Mr. Mark Whitenton (OE-20) in the Office of Electricity Delivery and Energy Reliability, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585. You also may reach him at (202) 586-9414.

In your correspondence to the Department, you asked that the information that is the subject of your request be placed on the NIET Corridor homepage of the Department to be viewed by all interested parties. This request falls outside of the scope of the FOIA. Placement of documents by an organization to their webpage specifically falls under the jurisdiction of that office.

I appreciate the opportunity to assist you with this matter. If you have any questions about this correspondence, please contact Mr. Morris at (202) 586-3159.

Sincerely,

A handwritten signature in black ink, appearing to read "Abel Lopez". The signature is written in a cursive style with a long horizontal stroke at the end.

Abel Lopez, Director  
FOIA/Privacy Act Group  
Office of the Executive Secretariat

BGKessinger@comcast.net  
To: alexander.morris@hq.doe.gov  
CC: toothman@greenepa.net  
Subject: FW: Greene County, PA, FOIA request in letter dated 4/27/07  
Date: Friday, May 11, 2007 2:04:44 PM

Mr. Morris,

Here it is again, identified by subject.

Barbara Kessinger  
(703)754-3001

----- Forwarded Message: -----

From: "Charlotte Popielarcheck" <[cpopielarcheck@co.greene.pa.us](mailto:cpopielarcheck@co.greene.pa.us)>  
To: <[BGKessinger@comcast.net](mailto:BGKessinger@comcast.net)>  
Cc: <[jjnyder@alltel.net](mailto:jjnyder@alltel.net)>, "Pam Snyder" <[psnyder@co.greene.pa.us](mailto:psnyder@co.greene.pa.us)>, "Pam Blaker" <[pblaker@co.greene.pa.us](mailto:pblaker@co.greene.pa.us)>, "Farley Toothman" <[toothman@greenepa.net](mailto:toothman@greenepa.net)>  
Subject: FW:  
Date: Fri, 11 May 2007 13:38:55 +0000  
> Attached is the letter to Samuel W. Bodman, Secretary, from the Greene  
> County Board of Commissioners if there is anything else we can do to  
> help please let us know.  
> Thanks  
>  
> Cookie Popielarcheck,  
> Governmental Liaison  
> Commissioners Unit  
> Greene County Commissioners  
> (724) 852-5210  
> Fax (724) 627-5428  
> [cpopielarcheck@co.greene.pa.us](mailto:cpopielarcheck@co.greene.pa.us)

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psnyder@co.greene.pa.us

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**Farley Toothman**  
Solicitor – General Council

**David F. Pollock**  
Solicitor – Litigation

**David C. Hook**  
Solicitor – Litigation

April 27, 2007

The Honorable Samuel W. Bodman, Secretary  
United States Department of Energy  
1000 Independence Avenue SW  
Washington, DC 20585

RE: Proposed National Interest  
Electric Transmission (NIET)  
Corridor Designation  
in 50 PA Counties, April 2007

Dear Secretary Bodman:

The Board of Commissioners of Greene County, Pennsylvania adamantly opposes the NIET Corridor designation of Southwestern Pennsylvania. We challenge your statement "The parochial interests that shaped energy policy in the 20th century will no longer work." It is our belief that the parochial interests at play today are that of the U.S. Department of Energy (USDOE) supporting "public" utilities acting as private corporations for the sake of private profits. Instead of usurping state rights and authority in a matter such as this, the USDOE has a responsibility to establish progressive energy policy for the United States that balances the conservation of resources, advances safe energy technologies, protects the public interest and the quality of life of the residents of this nation.

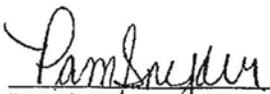
As you are aware, the Honorable H. William DeWeese, Majority Leader of the Pennsylvania House of Representatives, testified on April 25, 2007 in a hearing before the U.S. House of Representatives Committee on Oversight and Government Reform, Subcommittee on Domestic Policy in regard to the potential dissolution of states rights and the consequences the NIET Corridor will have in 50 Pennsylvania counties.

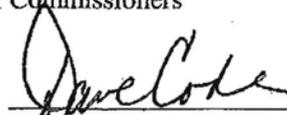
We strongly urge you to comply with this request:

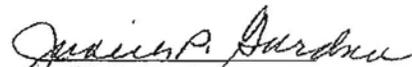
- Under the Freedom of Information Act (FOIA), release the underlying data the DOE relied upon for congestion studies that formed the basis of the proposed NIET Corridors
- Confirm that the congestion studies complied with the Energy Act of 2005 – particularly regarding consultation with the states included in the congestion studies
- Given that 50 of PA's 67 counties are included in the NIET corridor, schedule an additional public meeting in Pittsburgh, PA, to allow our citizens the opportunity to support a progressive energy policy for the USA, confirm states rights and protect themselves from all opposing interests.

We look forward to your favorable response.

Sincerely yours,  
GREENE COUNTY, Board of Commissioners

  
Pam Snyder, Chairman

  
Dave Coder

  
Judith P. Gardner

CORNERSTONE OF THE KEYSTONE STATE

**From:** BGKessinger@comcast.net  
**To:** alexander.morris@hq.doe.gov  
**CC:** rmatesic2@co.greene.pa.us, toothman@greenepa.net, cpopielarcheck@co.greene.pa.us, jjsnyder@alltel.net, psnyder@co.greene.pa.us, pblaker@co.greene.pa.us  
**Subject:** FW:  
**Date:** Friday, May 11, 2007 1:53:42 PM

Mr. Morris,

Per our conversation earlier today, I did contact someone in Greene County, PA (County Attorney Farley Toothman) regarding the separate FOIA request we discussed. I am forwarding Ms. Popielarcheck's email response with the attached letter to Secretary Bodman dated 4/27/07. Perhaps you have located the letter by now. Please contact someone in Greene County, PA, regarding the status of their FOIA request.

Thank you.

Barbara Kessinger  
(703)754-3001

----- Forwarded Message: -----

**From:** "Charlotte Popielarcheck" <cpopielarcheck@co.greene.pa.us>  
**To:** <BGKessinger@comcast.net>  
**Cc:** <jjsnyder@alltel.net>, "Pam Snyder" <psnyder@co.greene.pa.us>, "Pam Blaker" <pblaker@co.greene.pa.us>, "Farley Toothman" <toothman@greenepa.net>  
**Subject:** FW:

**Date:** Fri, 11 May 2007 13:38:55 +0000

> Attached is the letter to Samuel W. Bodman, Secretary, from the Greene  
> County Board of Commissioners if there is anything else we can do to  
> help please let us know.  
> Thanks  
>  
> Cookie Popielarcheck,  
> Governmental Liaison  
> Commissioners Unit  
> Greene County Commissioners  
> (724) 852-5210

---

**Attached Message**

From: "Charlotte Popielarcheck" <cpopielarcheck@co.greene.pa.us> [ **Save Address** ]  
To: <BGKessinger@comcast.net>  
Cc: <jjsnyder@alltel.net>, "Pam Snyder" <psnyder@co.greene.pa.us>, "Pam Blaker" <pblaker@co.greene.pa.us>, "Farley Toothman" <toothman@greenepa.net>  
Subject: FW:  
Date: Fri, 11 May 2007 13:38:55 +0000

**(Attachments successfully scanned for viruses.)**

**Attachment 1:** (application/pdf)

**From:** BGKessinger@comcast.net  
**To:** "Charlotte Popielarcheck" <cpopielarcheck@co.greene.pa.us>  
**CC:** <jjsnyder@alltel.net>, "Pam Snyder" <psnyder@co.greene.pa.us>, "Pam Blaker" <pblaker@co.greene.pa.us>, "Farley Toothman" <toothman@greenepa.net>  
**Subject:** Re: FW:  
**Date:** Friday, May 11, 2007 1:40:12 PM

Hi all,

I just returned from a meeting to find a couple of emails with the 4/27 letter attached.

The person who called me from the DOE early this morning (7:45 AM) is named Alexander "Chris" Morris. He works in the DOE FOIA Department. What he told me is that he was not aware of your FOIA request, had not been forwarded a copy of your letter, and was wondering whether the letter might still be sitting on a desk somewhere in a pile of mail for Secretary Bodman. He did not need your letter for his 8:30 AM meeting but stated that he would try to locate the letter later today. I asked him whether it would be helpful for someone to email a copy of the letter to him, and he stated that it would be.

I am going to forward this email with the attached letter to him right now.

Barbara Kessinger  
(703)754-3001

----- Original message -----

From: "Charlotte Popielarcheck" <cpopielarcheck@co.greene.pa.us>  
> Attached is the letter to Samuel W. Bodman, Secretary, from the Greene  
> County Board of Commissioners if there is anything else we can do to  
> help please let us know.  
> Thanks  
>  
> Cookie Popielarcheck,  
> Governmental Liaison  
> Commissioners Unit  
> Greene County Commissioners  
> (724) 852-5210

**From:** "Charlotte Popielarcheck" <cpopielarcheck@co.greene.pa.us>  
**To:** <BGKessinger@comcast.net>  
**CC:** <jjsnyder@alltel.net>, "Pam Snyder" <psnyder@co.greene.pa.us>, "Pam Blaker" <pblaker@co.greene.pa.us>, "Farley Toothman" <toothman@greenepa.net>  
**Subject:** FW:  
**Date:** Friday, May 11, 2007 9:38:55 AM

Attached is the letter to Samuel W. Bodman, Secretary, from the Greene County Board of Commissioners if there is anything else we can do to help please let us know.

Thanks

Cookie Popielarcheck,  
Governmental Liaison  
Commissioners Unit  
Greene County Commissioners  
(724) 852-5210  
Fax (724) 627-5428  
[cpopielarcheck@co.greene.pa.us](mailto:cpopielarcheck@co.greene.pa.us)

**From:** "Farley Toothman" <toothman@greenepa.net>  
**To:** "Barbara Kessinger" <BGKessinger@comcast.net>  
**Subject:** Here ya go....signed version  
**Date:** Friday, May 11, 2007 9:26:17 AM

--

This message has been scanned for viruses and dangerous content by **MailScanner**, and is believed to be clean.

**(Attachments successfully scanned for viruses.)**

**Attachment 1:** (application/octet-stream)

**From:** "Morris, Alexander" <Alexander.Morris@hq.doe.gov>  
**To:** bgkessinger@comcast.net  
**Subject:** Emailing: DownloadServlet.pdf FOIA-2007-000418 Interim response letter.  
**Date:** Friday, May 11, 2007 8:14:20 AM

<<DownloadServlet.pdf>>

**(Attachments successfully scanned for viruses.)**

**Attachment 1:** (application/octet-stream)



**Department of Energy**  
Washington, DC 20585

May 9, 2007

Barbara Kessinger  
15033 Walking Stick Way  
Haymarket, VA 20169

Re: FOIA-2007-00418

Dear Ms. Kessinger:

This is in response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. 552. You asked for copies of 1) all data considered or relied upon by the DOE to prepare its congestion study during August 1, 2005 through August 31, 2006; and 2) all data considered or relied upon by the DOE to prepare its draft mid-Atlantic NIET Corridor designation during August 1, 2006 through April 26, 2007.

Your letter did not state a willingness to pay fees to process the request. In a telephone conversation with Mr. Chris Morris of my staff on May 8, 2007, however, you requested a waiver of fees and stated that you would provide your justification for a fee waiver to Mr. Morris. In an electronic message to Mr. Morris on May 8, 2007, you provided your justification for a waiver of fees. You also stated that you were willing to pay up to \$25.00 in fees to process the request in the event that your waiver of fees was denied.

Your request has been assigned to the Office of Electricity Delivery and Energy Reliability (OE) to conduct a search of its files for documents responsive to the request. Upon completion of their search and the review of any documents that may be located, you will be provided a response.

I have reviewed the information that you provided as your justification for a waiver of fees. I have determined, however, that a waiver of fees is not justified and therefore denied.

The FOIA sets forth the following four pertinent factors that are considered by the agency in applying the criteria:

1. The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government";



2. The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;
3. The contribution of an understanding by the general public of the subject likely to result from disclosure (i.e., the requester must have the ability and intention to disseminate this information to the public); and
4. The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

The information you provided satisfies the first two factors that are considered for a fee waiver. The information, however, failed to address the remaining factors satisfactorily.

The third factor that is considered in a fee waiver determination considers whether a requester has demonstrated the ability and intent to disseminate information to the public in a form that can further the understanding of the subject matter by the public at large. See Title 10, Code of Federal Regulations (CFR), Section 1004.9(a)(8)(i)(C).

While you have stated that you plan to disseminate the information through an established network of grassroots and other organizations, you have not identified these entities nor have you provided proof of their intent to publish the information you may receive. Moreover, you have not demonstrated that you or any of the entities have the expertise in the subject area related to the documents requested that would allow you analyze and publish it in a manner that the general public would understand.

The fourth factor that is considered in a fee waiver determination is that disclosure of information must contribute significantly to the public's understanding of government operations or activities. See 10 CFR 1004.9(a)(8)(i)(D). To satisfy this factor, the level of the public's understanding of the subject matter must be enhanced to a significant extent by disclosure, when compared to the level of public understanding existing prior to the disclosure. You have not established how the information requested would enhance the public's understanding of government operations or activities, nor that the material would advance such understanding to a significant extent.

You may challenge the determination to deny your waiver of fees by submitting a written appeal within 30 calendar days of receipt of a letter denying any portion of the request. The appeal should be made to the Director, Office of Hearings and Appeals, HG-1, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-1615.

The written appeal, including the envelope, must clearly indicate that a Freedom of Information Appeal is being made. The appeal must contain all other elements required by 10 CFR 1004.8. Judicial review will thereafter, be available to you: (1) in the district where you reside; (2) in the district where you have your principle place of business; (3) in the district where the DOE records are situated; or (4) in the District of Columbia.

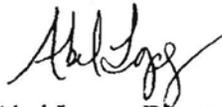
Since I am not granting your request for a fee waiver, your request will be processed in accordance with the appropriate fee category to which you have been designated. For purposes of assessment of fees, you have been categorized under the Department's regulation implementing the FOIA at 10 CFR 1004.9(b)(4), as an "other" requester. In this category, you are entitled to two hours of search time and 100 pages at no cost.

If you have any questions about the processing of the request, please contact Mr. Mark Whitenton (OE-20) in the Office of Electricity Delivery and Energy Reliability, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585. You also may reach him at (202) 586-9414.

In your correspondence to the Department, you asked that the information that is the subject of your request be placed on the NIET Corridor homepage of the Department to be viewed by all interested parties. This request falls outside of the scope of the FOIA. Placement of documents by an organization to their webpage specifically falls under the jurisdiction of that office.

I appreciate the opportunity to assist you with this matter. If you have any questions about this correspondence, please contact Mr. Morris at (202) 586-3159.

Sincerely,

A handwritten signature in black ink, appearing to read "Abel Lopez". The signature is fluid and cursive, with the first name "Abel" and last name "Lopez" clearly distinguishable.

Abel Lopez, Director  
FOIA/Privacy Act Group  
Office of the Executive Secretariat

**From:** BGKessinger@comcast.net  
**To:** brenda.washington@hq.doe.gov  
**Subject:** FW: Re: FOIA-2007-000418 and FOIA-2007-000???  
**Date:** Thursday, May 10, 2007 5:17:16 PM

----- Forwarded Message: -----

**From:** BGKessinger@comcast.net  
**To:** Mark.Whitenton@hq.doe.gov  
**Subject:** FW: Re: FOIA-2007-000418 and FOIA-2007-000???  
**Date:** Thu, 10 May 2007 20:25:07 +0000

> May 10, 2007

>

>

>

> Re: Two FOIA Requests; Request for Reading Room; Request for Waiver of Fees

>

>

> Mr. Whitenton:

>

> On Saturday, May 5, I submitted two FOIA requests within the body of one email.

>

> On Tuesday, May 8, I received a phone call from Alexander "Chris" Morris  
> regarding my two FOIA requests, and later that same afternoon, I also received  
> your email regarding my FOIA requests.

>

> Today, May 10, I received a letter from The DOE acknowledging receipt of one of

> my FOIA requests, i.e., my request for data considered or relied upon to prepare

> Congestion Study from August 1, 2005, to August 31, 2006. That FOIA request was

> assigned control number FOIA-2007-000418. To date, I have not received a letter

> from The DOE acknowledging receipt of my other FOIA request, i.e., my request  
> for data considered or relied upon to prepare draft Mid-Atlantic NIET Corridor  
> designation from August 1, 2006, to April 26, 2007. Could you please check on

>

> I have already forwarded to you an email I sent to Secretary Bodman and Director

> Kolevar's attention at noon on Tuesday, May 8, that I also have already

> forwarded to Chris Morris. I am hereby forwarding a second email that I sent

> directly to Chris Morris later that same afternoon before I received your email.

>

> Thank you in advance for your consideration of my request for fee waiver

> contained herein. Please consider this request to apply to both of the FOIA

> requests I submitted within the body of my email dated May 5. Thank you in

> advance for determining the status of my second FOIA request and a control

> number for that request.

>

> Barbara Kessinger

> (703)754-3001

> ----- Forwarded Message: -----

> From: [BGKessinger@comcast.net](mailto:BGKessinger@comcast.net)

> To: "Morris, Alexander" <[Alexander.Morris@hq.doe.gov](mailto:Alexander.Morris@hq.doe.gov)>

> Cc: [delegatebobmarshall@hotmail.com](mailto:delegatebobmarshall@hotmail.com), [jstirrup@pwcgov.org](mailto:jstirrup@pwcgov.org)

> Subject: Re: Emailing: FOIA\_Fees

> Date: Tue, 08 May 2007 20:33:34 +0000

>> May 8, 2007

>>

>>

>> Mr. Morris:

>>

>> Thank you for contacting me about my FOIA requests emailed on Saturday, May 5.

>> Please reference another email sent to Secretary Bodman and Director Kolevar this morning and forwarded to you this afternoon. Thank you for providing me

>> with a link to the DOE's FOIA webpage. Please consider this, my most recent email, an addendum to my previously submitted FOIA requests.

>>

>> As I explained, citizens like myself, seeking answers to their questions and desiring to be fully informed in preparing their oral and written comments to

>> the DOE, would like the "Documents" link on the DOE's NIET Corridor home page

>> to be designated as a "reading room" where any and all documents which the DOE

>> considered/relied upon in preparing its Congestion Study and Draft

> Mid-Atlantic

>> NIET Corridor Designation could be made available for their review. I am

>> requesting that more information (as much as possible) be posted on or before

>> May 11 so that citizens can use that information to prepare their oral

> comments

>> to the DOE, and that additional information be posted on or before June 5 so

>> that citizens can use that information to prepare their written comments to

> the

--

> > Per our conversation, I am also requesting a waiver of fee for this service  
> > because I believe disclosure of this information is in the public interest  
in  
> > that it deals with government activities, that many citizens (including me)  
> have  
> > questions about the DOE's preparation of its Congestion Study and Draft  
> > Mid-Atlantic NIET Corridor Designation, that citizens (including technical  
> > experts) need answers to their questions in order to effectively prepare oral  
> > and written comments to the DOE, and that disclosure of this information is  
> > likely to contribute significantly to public understanding of government  
> > activities. I have the ability to disseminate any information provided  
> directly  
> > to me via an established network of well-connected grassroots and other  
> > organizations and have the intent to do so; notwithstanding, if the DOE  
posts  
> > the requested documents in a designated "reading room," such dissemination  
by  
> me  
> > would not be necessary. Furthermore, the disclosure of this information wo  
> > uld not in any way further any commercial interest of mine, given I have no  
> such  
> > commercial interest whatsoever. In the event my request for a waiver of fee  
> is  
> > denied, I am hereby offering to pay \$25.00 for the service requested.  
> >  
> > Thank you in advance for your assistance in continuing to process my FOIA  
> > requests.  
> >  
> > Sincerely,  
> >  
> >  
> > Barbara Kessinger  
> > 15033 Walking Stick Way  
> > Haymarket, VA 20169  
> > (703)754-3001 (home no.)  
> > (571)242-7400 (cell no.)

> > ----- Original message -----

> > From: "Morris, Alexander" <[Alexander.Morris@hq.doe.gov](mailto:Alexander.Morris@hq.doe.gov)>

> > > <<FOIA\_Fees.url>>

> > > Ms. Kessinger:

> > >

> > > It was a pleasure to speak with you today. You asked me to send you a  
> > > copy of our regulation that implements the FOIA at the Department of  
> > > Energy. I was unable to find a link to our regulation. However, on our  
> > > FOIA webpage there is a section that addresses fees and fee waiver. I  
> > > have attached the link to that page for your convenience.

> > >

> > > If you are interested in applying for a waiver of fees under the FOIA,  
> > > please address the criteria provided on this link. I appreciate the  
> > > opportunity to assist you with this matter. If you have any questions,  
> > > please contact me at (202) 586-3159.

> > >

> > > Chris Morris

> > > FOIA Specialist

> > > Department of Energy

**From:** BGKessinger@comcast.net  
**To:** Mark.Whitenton@hq.doe.gov  
**Subject:** FW: Re: FOIA-2007-000418 and FOIA-2007-000???  
**Date:** Thursday, May 10, 2007 4:25:07 PM

May 10, 2007

Re: Two FOIA Requests; Request for Reading Room; Request for Waiver of Fees

Mr. Whitenton:

On Saturday, May 5, I submitted two FOIA requests within the body of one email.

On Tuesday, May 8, I received a phone call from Alexander "Chris" Morris regarding my two FOIA requests, and later that same afternoon, I also received your email regarding my FOIA requests.

Today, May 10, I received a letter from The DOE acknowledging receipt of one of my FOIA requests, i.e., my request for data considered or relied upon to prepare Congestion Study from August 1, 2005, to August 31, 2006. That FOIA request was assigned control number FOIA-2007-000418. To date, I have not received a letter from The DOE acknowledging receipt of my other FOIA request, i.e., my request for data considered or relied upon to prepare draft Mid-Atlantic NIET Corridor designation from August 1, 2006, to April 26, 2007. Could you please check on the status of this second FOIA request?

I have already forwarded to you an email I sent to Secretary Bodman and Director Kolevar's attention at noon on Tuesday, May 8, that I also have already forwarded to Chris Morris. I am hereby forwarding a second email that I sent directly to Chris Morris later that same afternoon before I received your email.

Thank you in advance for your consideration of my request for fee waiver contained herein. Please consider this request to apply to both of the FOIA requests I submitted within the body of my email dated May 5. Thank you in advance for determining the status of my second FOIA request and a control number for that request.

Barbara Kessinger  
(703)754-3001

----- Forwarded Message: -----

From: [BGKessinger@comcast.net](mailto:BGKessinger@comcast.net)

To: "Morris, Alexander" <[Alexander.Morris@hq.doe.gov](mailto:Alexander.Morris@hq.doe.gov)>

Cc: [delegatebobmarshall@hotmail.com](mailto:delegatebobmarshall@hotmail.com), [istirrup@pwcgov.org](mailto:istirrup@pwcgov.org)

Subject: Re: Emailing: FOIA\_Fees

Date: Tue, 08 May 2007 20:33:34 +0000

> May 8, 2007

>

>

> Mr. Morris:

>

> Thank you for contacting me about my FOIA requests emailed on Saturday, May 5.

> Please reference another email sent to Secretary Bodman and Director Kolevar

> this morning and forwarded to you this afternoon. Thank you for providing me

> with a link to the DOE's FOIA webpage. Please consider this, my most recent

> email, an addendum to my previously submitted FOIA requests.

>

> As I explained, citizens like myself, seeking answers to their questions and

> desiring to be fully informed in preparing their oral and written comments to

> the DOE, would like the "Documents" link on the DOE's NIET Corridor home page

> to be designated as a "reading room" where any and all documents which the DOE

> considered/relied upon in preparing its Congestion Study and Draft

Mid-Atlantic

> NIET Corridor Designation could be made available for their review. I am

> requesting that more information (as much as possible) be posted on or before

> May 11 so that citizens can use that information to prepare their oral

comments

> to the DOE, and that additional information be posted on or before June 5 so

> that citizens can use that information to prepare their written comments to

the

> DOE.

>

> Per our conversation, I am also requesting a waiver of fee for this service

> because I believe disclosure of this information is in the public interest in

> that it deals with government activities, that many citizens (including me)

have

> questions about the DOE's preparation of its Congestion Study and Draft

> Mid-Atlantic NIET Corridor Designation, that citizens (including technical

> experts) need answers to their questions in order to effectively prepare oral

> and written comments to the DOE, and that disclosure of this information is

> likely to contribute significantly to public understanding of government

> activities. I have the ability to disseminate any information provided

directly

> to me via an established network of well-connected grassroots and other  
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> the requested documents in a designated "reading room," such dissemination by  
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> uld not in any way further any commercial interest of mine, given I have no  
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> commercial interest whatsoever. In the event my request for a waiver of fee  
is  
> denied, I am hereby offering to pay \$25.00 for the service requested.  
>  
> Thank you in advance for your assistance in continuing to process my FOIA  
> requests.

>  
> Sincerely,

>  
> Barbara Kessinger  
> 15033 Walking Stick Way  
> Haymarket, VA 20169  
> (703)754-3001 (home no.)  
> (571)213-7483 (cell no.)

>  
> ----- Original message -----  
> From: "Morris, Alexander" <[Alexander.Morris@hq.doe.gov](mailto:Alexander.Morris@hq.doe.gov)>

> > <<FOIA\_Fees.url>>

> > Ms. Kessinger:

> >

> > It was a pleasure to speak with you today. You asked me to send you a  
> > copy of our regulation that implements the FOIA at the Department of  
> > Energy. I was unable to find a link to our regulation. However, on our  
> > FOIA webpage there is a section that addresses fees and fee waiver. I  
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> > opportunity to assist you with this matter. If you have any questions,  
> > please contact me at (202) 586-3159.

> >

> > Chris Morris

> > FOIA Specialist

> > Department of Energy

From: BGKessinger@comcast.net  
To: Mark.Whitenton@hq.doe.gov  
Subject: FW: Request for Answers; Freedom of Information Act Requests  
Date: Thursday, May 10, 2007 4:14:15 PM

May 10, 2007

Re: Two FOIA Requests; Request for Waiver of Fees

Mr. Whitenton:

On Saturday, May 7, I submitted two FOIA requests within the body of one email.

On Tuesday, May 8, I received a phone call from Alexander "Chris" Morris regarding my two FOIA requests, and later that same afternoon, I also received your email regarding my FOIA requests.

Today, May 10, I received a letter from The DOE acknowledging receipt of one of my FOIA requests, i.e., my request for data considered or relied upon to prepare Congestion Study from August 1, 2005, to August 31, 2006. That FOIA request was assigned control number FOIA-2007-000418. To date, I have not received a letter from The DOE acknowledging receipt of my other FOIA request, i.e., my request for data considered or relied upon to prepare draft Mid-Atlantic NIET Corridor designation from August 1, 2006, to April 26, 2007. Could you please check on the status of this second FOIA request?

I am forwarding an email I sent to Secretary Bodman and Director Kolevar's attention at noon on Tuesday, May 8, that I have already forwarded to Chris Morris. By separate email, I will forward a second email that I sent directly to Chris Morris later that same afternoon before I received your email.

Thank you in advance for your consideration of my request for fee waiver contained in this and the second email I am forwarding to your attention.

Barbara Kessinger  
(703)754-3001

----- Forwarded Message: -----

From: [BGKessinger@comcast.net](mailto:BGKessinger@comcast.net)

To: [The.Secretary@hq.doe.gov](mailto:The.Secretary@hq.doe.gov), [Kevin.Kolevar@hq.doe.gov](mailto:Kevin.Kolevar@hq.doe.gov)

Cc: [poonum.agrawal@hq.doe.gov](mailto:poonum.agrawal@hq.doe.gov), [David.Meyer@hq.doe.gov](mailto:David.Meyer@hq.doe.gov)

Subject: FW: Request for Answers; Freedom of Information Act Requests

Date: Tue, 08 May 2007 12:10:27 +0000

> May 8, 2007

>

>

> Secretary Bodman and Director Kolevar:

>

> I am contacting the Department of Energy as an ordinary citizen, not as someone

> affiliated with any organization.

>

> Last week, I placed several phone calls to the Department of Energy in attempts

> to obtain answers to four questions I have concerning the recently announced

> draft mid-Atlantic NIET Corridor designation. One of the individuals I

> attempted to contact unsuccessfully is David Meyer, whose name and number appear

> at the bottom of page 7 of the DOE's document entitled, "Draft National Corridor

> Designations: Frequently Asked Questions." The answers in that document to

> questions numbered 5, 6, 8, and 10 provide partial but not complete answers to

> my four questions.

>

> On Thursday, May 3, I emailed my four questions to Director Kolevar's attention,

> copying Ms. Agrawal, as instructed. I did not receive any response, either by

> reply email or by phone. On Saturday, May 5, I emailed FOIA requests to

> Director Kolevar and also to Secretary Bodman, not only on my own behalf but on

> the behalf of all citizens who might be having similar experiences not being

> able to obtain answers to their questions. Yesterday, May 7, I emailed my

four

> questions to Secretary Bodman's attention also.

>

> Yesterday, I again unsuccessfully attempted to contact David Meyer. I was able

> to speak with someone named Teria, who said she would prepare an email

> documenting the following concerns I raised during our conversation.

Citizens,

> seeking answers to their questions and desiring to be fully informed in

> preparing their oral and written comments to the DOE, would like the

> "Documents" link on the DOE's NIET Corridor home page to be designated as a

> "reading room" where any and all documents which the DOE considered/relied upon

> in preparing its Congestion Study and Draft mid-Atlantic NIET Corridor

> Designation could be made available for their review. In my FOIA requests, I

am

> not requesting and do not need paper copies of these documents; to the

contrary,

> I am only requesting an opportunity for citizens to review these documents.  
> Unfortunately, no one I have spoken with is able to tell me if there is a fee  
> for what I am requesting. As I have already explained, I am not able to pay fo  
> r the posting of these documents as I am a stay-at-home mother of six  
children.  
> Furthermore, because I am making a request that would benefit all citizens, I  
do  
> not believe I should be assessed any fee. In my FOIA requests, I am  
requesting  
> that more information be posted on or before May 11 so that citizens can use  
> that information to prepare their comments for May 15. Surely the DOE should  
> have anticipated that citizens would seek answers to their questions and would  
> desire to be fully informed in preparing their oral and written comments.  
Teria  
> assured me that she would summarize these concerns in an email directed to  
> Secretary Bodman, Director Kolevar, and David Meyer's attention.  
>  
> Would someone who has the ability to answer my questions and to discuss my  
FOIA  
> requests please contact me as soon as possible?  
>  
> Barbara Kessinger  
> 15033 Walking Stick Way  
> Haymarket, VA 20169  
> (703)754-3001 (home no.)  
> (571)213-7483 (cell no.)  
>  
> ----- Forwarded Message: -----  
> From: [BGKessinger@comcast.net](mailto:BGKessinger@comcast.net)  
> To: [The.Secretary@hq.doe.gov](mailto:The.Secretary@hq.doe.gov)  
> Cc: [Kevin.Kolevar@hq.doe.gov](mailto:Kevin.Kolevar@hq.doe.gov)  
> Subject: Freedom of Information Act Requests  
> Date: Sat, 05 May 2007 21:57:03 +0000  
> > May 5, 2007  
> >  
> >  
> > Secretary Bodman:  
> >  
> > So that citizens can adequately prepare their comments, written and oral, in  
> > response to the Department of Energy's issuance of its draft mid-Atlantic  
NIET  
> > Corridor designation, citizens desire to review data the DOE used to prepare  
> its  
> > congestion study and to prepare its draft mid-Atlantic NIET Corridor  
> > designation.  
> >

> > Pursuant to the Freedom of Information Act, I am requesting the Department  
of  
> > Energy to make available for citizen review any and all data it considered  
> > and/or relied upon to prepare its congestion study during the timeframe  
August  
> > 1, 2005, through August 31, 2006, inclusive.  
> >  
> > Pursuant to the Freedom of Information Act, I am requesting the Department of  
> > Energy to make available for citizen review any and all data it considered  
> > and/or relied upon to prepare its draft mid-Atlantic NIET Corridor  
designation  
> > during the timeframe August 1, 2006, through April 26, 2007, inclusive.  
> >  
> > Please apprise me of a time and place when the records identified above can  
be  
> > made available for citizen review prior to Friday, May 11, 2007. Thank you.  
> >  
> > Sincerely,  
> >  
> >  
> > Barbara Kessinger  
> > 15033 Walking Stick Way  
> > Haymarket, VA 20169  
> > (703)754-3001  
>



**Department of Energy**  
Washington, DC 20585

May 8, 2007

Barbara Kessinger  
15033 Walking Stick Way  
Haymarket, VA 20169

FOIA-2007-000418

Re: Data considered or relied upon to prepare congestion study from August 1, 2005 to August 31, 2006

Dear Ms.Kessinger:

Thank you for the request for information that you made to the Department of Energy under the Freedom of Information Act (FOIA), 5 U.S.C. 552. Your letter was received in this office today, and has been assigned a controlled number, FOIA-2007-000418. Since we receive several hundred requests a year, please use this number in any correspondence with the Department about your request.

We are reviewing your letter to determine if it addresses all of the criteria of a proper request under the FOIA and the Department's regulation that implements the FOIA at Title 10, Code of Federal Regulations, Part 1004. We will send you a subsequent letter informing you if we need additional information or stating where the request has been assigned to conduct a search for responsive documents.

I appreciate the opportunity to assist you with this matter. If you have any questions about this letter, please contact this office on (202) 586-6025.

Sincerely,

A handwritten signature in black ink that reads "Abel Lopez".

Abel Lopez, Director  
FOIA/Privacy Act Group  
Office of the Executive Secretariat



**From:** "Whitenton, Mark" <Mark.Whitenton@hq.doe.gov>  
**To:** BGKessinger@comcast.net  
**CC:** "Lopez, Abel" <Abel.Lopez@hq.doe.gov>, "Agrawal, Poonum" <Poonum.Agrawal@hq.doe.gov>, "Palmer, Downey" <Downey.Palmer@hq.doe.gov>  
**Subject:** Regarding your request for information  
**Date:** Tuesday, May 08, 2007 5:49:30 PM

Ms. Kessinger:

Thank you for your email to Kevin Kolevar, Director, Office of Energy Reliability and Energy Delivery, in which you request, citing the Freedom of Information Act, all data considered and/or relied upon by our office to prepare the August 8, 2006 Congestion Study, and to prepare the Department's draft National Interest Electric Transmission Corridor designations, which were published in the Federal Register on Monday.

I have forwarded your request to the DOE's Freedom of Information Office, which will be contacting you shortly. As soon as your request is formally entered into the Department's FOIA system, we look forward to being responsive to your request.

In the meantime, please note that a substantial volume of data that is responsive to your request is already publicly available on DOE's website at <http://nietc.anl.gov/documents/index.cfm>.

Sincerely,

Marshall E. Whitenton

Deputy Director, Permitting, Siting & Analysis  
U.S. Department of Energy  
off: (202) 586-9414 fax: (202) 586-1472

From: BGKessinger@comcast.net  
To: "Morris, Alexander" <Alexander.Morris@hq.doe.gov>  
CC: delegatebobmarshall@hotmail.com, jstimup@pwcgov.org  
Subject: Re: Emailing; FOIA\_Fees  
Date: Tuesday, May 08, 2007 4:33:34 PM

May 8, 2007

Mr. Morris:

Thank you for contacting me about my FOIA requests emailed on Saturday, May 5. Please reference another email sent to Secretary Bodman and Director Kolevar this morning and forwarded to you this afternoon. Thank you for providing me with a link to the DOE's FOIA webpage. Please consider this, my most recent email, an addendum to my previously submitted FOIA requests.

As I explained, citizens like myself, seeking answers to their questions and desiring to be fully informed in preparing their oral and written comments to the DOE, would like the "Documents" link on the DOE's NIET Corridor home page to be designated as a "reading room" where any and all documents which the DOE considered/relied upon in preparing its Congestion Study and Draft Mid-Atlantic NIET Corridor Designation could be made available for their review. I am requesting that more information (as much as possible) be posted on or before May 11 so that citizens can use that information to prepare their oral comments to the DOE, and that additional information be posted on or before June 5 so that citizens can use that information to prepare their written comments to the DOE.

Per our conversation, I am also requesting a waiver of fee for this service because I believe disclosure of this information is in the public interest in that it deals with government activities, that many citizens (including me) have questions about the DOE's preparation of its Congestion Study and Draft Mid-Atlantic NIET Corridor Designation, that citizens (including technical experts) need answers to their questions in order to effectively prepare oral and written comments to the DOE, and that disclosure of this information is likely to contribute significantly to public understanding of government activities. I have the ability to disseminate any information provided directly to me via an established network of well-connected grassroots and other organizations and have the intent to do so; notwithstanding, if the DOE posts the requested documents in a designated "reading room," such dissemination by me would not be necessary. Furthermore, the disclosure of this information would not in any way further any commercial interest of mine, given I have no such commercial interest whatsoever. In the event my request for a waiver of fee is denied, I am hereby offering to pay \$25.00 for the service requested.

Thank you in advance for your assistance in continuing to process my FOIA requests.

Sincerely,

Barbara Kessinger  
15033 Walking Stick Way  
Haymarket, VA 20169  
(703)754-3001 (home no.)  
(571)213-7483 (cell no.)

----- Original message -----

From: "Morris, Alexander" <Alexander.Morris@hq.doe.gov>

> <<FOIA\_Fees.url>>

> Ms. Kessinger:

>

> It was a pleasure to speak with you today. You asked me to send you a  
> copy of our regulation that implements the FOIA at the Department of  
> Energy. I was unable to find a link to our regulation. However, on our  
> FOIA webpage there is a section that addresses fees and fee waiver. I  
> have attached the link to that page for your convenience.

>

> If you are interested in applying for a waiver of fees under the FOIA,  
> please address the criteria provided on this link. I appreciate the  
> opportunity to assist you with this matter. If you have any questions,  
> please contact me at (202) 586-3159.

>

> Chris Morris

> FOIA Specialist

> Department of Energy

**From:** "Morris, Alexander" <Alexander.Morris@hq.doe.gov>  
**To:** bgkessinger@comcast.net  
**Subject:** Emailing: FOIA\_Fees  
**Date:** Tuesday, May 08, 2007 3:28:05 PM

<<FOIA\_Fees.url>>

Ms. Kessinger:

It was a pleasure to speak with you today. You asked me to send you a copy of our regulation that implements the FOIA at the Department of Energy. I was unable to find a link to our regulation. However, on our FOIA webpage there is a section that addresses fees and fee waiver. I have attached the link to that page for your convenience.

If you are interested in applying for a waiver of fees under the FOIA, please address the criteria provided on this link. I appreciate the opportunity to assist you with this matter. If you have any questions, please contact me at (202) 586-3159.

Chris Morris  
FOIA Specialist  
Department of Energy

## FOIA Fees

The FOIA generally requires that requestors pay fees for processing their requests. If costs associated with the processing of a FOIA request are \$15.00 or less, no fees are charged. Each FOIA request is reviewed for the purpose of placing a requestor in one of four fee categories described below:

1. **Commercial use requestor:** Responsible for all direct costs; i.e. search for responsive documents, review of documents located for responsiveness; 16% administrative costs; reproduction cost of \$.05 per page; and the time it took the FOIA Contact Person to process the request.
2. **Requestors who are representative of the news media:** Responsible for reproduction costs after the first 100 pages.
3. **Educational and non-commercial scientific institution requestors:** Responsible for reproduction costs after the first 100 pages.
4. **All other requestors:** Responsible for search costs after the first 2 hours and reproduction costs after the first 100 pages.

Your FOIA request should address your willingness to pay fees, offering a limit, or request a waiver of fee. All issues concerning fees associated with the processing of your request must be resolved before the processing of your request can begin.

The Act provides that “documents” shall be furnished without any charge or a reduced charge below the fees established under cause (ii), if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations of activities of the government and is not primarily in the commercial interest of the requestor. See 5 U.S.C. 552 (a)(4)(a)(iii).

The DOE has implemented this statutory standard for fee waivers or reduced fees in its FOIA regulation at Title 10, Code of Federal Regulations (CFR), Section 1004.9(a). The regulation set forth the following factors that are considered by the agency in applying the criteria:

1. The subject of the request: Whether the subject of the requested records concerns “the operations or activities of the government.”
2. The informative value of the information to be disclosed: Whether the disclosure is “likely to contribute” to an understanding of government operations or activities.
3. The contribution of an understanding by the general public of the subject likely to result from disclosure (i.e., the requestor must have the ability and intention to disseminate this information to the public).
4. The significance of the contribution to public understanding: Whether the disclosure is likely to contribute “significantly” to public understanding of government operations or activities.

Pursuant to 10 CFR Section 1004.9(a)(8)(i), a requestor who satisfies the four factors of the public interest listed above must then address the following factors by showing that disclosure of the information is not primarily in his or her commercial interest.

1. The existence and magnitude of a commercial interest: Whether the requestor has a commercial interest that would be furthered by the requested disclosure, and if so
2. The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requestor is sufficiently large, in comparison with the public interest in disclosure, that disclosure is “primarily in the commercial interest of the requestor.”

**From:** BGKessinger@comcast.net  
**To:** The.Secretary@hq.doe.gov, Kevin.Kolevar@hq.doe.gov  
**CC:** poonum.agrawal@hq.doe.gov, David.Meyer@hq.doe.gov  
**Subject:** FW: Request for Answers; Freedom of Information Act Requests  
**Date:** Tuesday, May 08, 2007 8:10:27 AM

May 8, 2007

Secretary Bodman and Director Kolevar:

I am contacting the Department of Energy as an ordinary citizen, not as someone affiliated with any organization.

Last week, I placed several phone calls to the Department of Energy in attempts to obtain answers to four questions I have concerning the recently announced draft mid-Atlantic NIET Corridor designation. One of the individuals I attempted to contact unsuccessfully is David Meyer, whose name and number appear at the bottom of page 7 of the DOE's document entitled, "Draft National Corridor Designations: Frequently Asked Questions." The answers in that document to questions numbered 5, 6, 8, and 10 provide partial but not complete answers to my four questions.

On Thursday, May 3, I emailed my four questions to Director Kolevar's attention, copying Ms. Agrawal, as instructed. I did not receive any response, either by reply email or by phone. On Saturday, May 5, I emailed FOIA requests to Director Kolevar and also to Secretary Bodman, not only on my own behalf but on the behalf of all citizens who might be having similar experiences not being able to obtain answers to their questions. Yesterday, May 7, I emailed my four questions to Secretary Bodman's attention also.

Yesterday, I again unsuccessfully attempted to contact David Meyer. I was able to speak with someone named Teria, who said she would prepare an email documenting the following concerns I raised during our conversation. Citizens, seeking answers to their questions and desiring to be fully informed in preparing their oral and written comments to the DOE, would like the "Documents" link on the DOE's NIET Corridor home page to be designated as a "reading room" where any and all documents which the DOE considered/relied upon in preparing its Congestion Study and Draft mid-Atlantic NIET Corridor Designation could be made available for their review. In my FOIA requests, I am not requesting and do not need paper copies of these documents; to the contrary, I am only requesting an opportunity for citizens to review these documents. Unfortunately, no one I have spoken with is able to tell me if there is a fee for what I am requesting. As I have already explained, I am not able to pay for the posting of these documents as I am a stay-at-home mother of six children. Furthermore, because I am making a request that would benefit all citizens, I do not believe I should be assessed any fee. In my FOIA requests, I am requesting that more information be posted on or before May 11 so that citizens can use that information to prepare their comments for May 15. Surely the DOE should have anticipated that citizens would seek answers to their questions and would desire to be fully informed in preparing their oral and written comments. Teria assured me that she would summarize these concerns in an email directed to Secretary Bodman, Director Kolevar, and David Meyer's attention.

Would someone who has the ability to answer my questions and to discuss my FOIA requests please contact me as soon as possible?

Barbara Kessinger  
15033 Walking Stick Way  
Haymarket, VA 20169  
(703)754-3001 (home no.)  
(571)213-7483 (cell no.)

**From:** BGKessinger@comcast.net  
**To:** The.Secretary@hq.doe.gov  
**CC:** delegatebobmarshall@hotmail.com, jstirrup@pwcgov.org  
**Subject:** Public Record Questions/Answers re: Draft mid-Atlantic NIET Corridor Designation  
**Date:** Monday, May 07, 2007 8:18:27 AM

May 7, 2007

Secretary Bodman:

Could you or someone on your staff please answer the following questions regarding the DOE's recent draft mid-Atlantic NIET Corridor designation? Please include my emailed questions in the DOE's Public Record.

1. Between the release of its Transmission Congestion Study in August 2006 and the announcement of its draft mid-Atlantic NIET Corridor designation on April 26, 2007, was there any attempt made by the DOE to divide the mid-Atlantic region into two smaller regions so that the New York City area of the study and the Washington D.C./Metropolitan area of the study would no longer be interconnected? If so, please elaborate.
2. Has the DOE determined how long the mid-Atlantic NIET Corridor would be in effect? If so, how was this determination made?
3. Has the DOE determined which body of federal eminent domain law would apply to the taking of private property for the siting of transmission lines? If so, how was this determination made? Also, is a summary available for citizens? If so, please provide me with a copy of that summary.
4. Between the release of its Transmission Congestion Study in August 2006 and the announcement of its draft mid-Atlantic NIET Corridor designation on April 26, 2007, was there any attempt made by the DOE to formulate for recommendation national energy policy that would mandate energy stewardship, i.e., conservation, energy efficiency, and demand-side management? If so, please elaborate.

Please include your reply-emailed answers to these questions in the DOE's Public Record. Once I receive answers to these questions, I will feel better equipped to submit comments to the DOE. Thank you.

Sincerely,

Barbara Kessinger  
15033 Walking Stick Way  
Haymarket, VA 20169  
(703)754-3001

**From:** BGKessinger@comcast.net  
**To:** delegatebobmarshall@hotmail.com, jstirrup@pwcgov.org  
**Subject:** FW: Public Record Questions/Answers re: Draft mid-Atlantic NIET Corridor Designation  
**Date:** Saturday, May 05, 2007 10:05:58 PM

Delegate Marshall, Supervisor Stirrup:

This email preceded the email that stated the FOIA requests. I believe I know the answers to question #2, but I want clarification to determine if any other time periods were ever seriously considered. I believe I cannot possibly know the answers to question #3, and I doubt such a determination could be made with certainty by the DOE at this time. This is very much uncharted territory.

Using both of these approaches and not knowing what else to do, I am trying to obtain information that would allow me as an ordinary citizen to make fully-informed oral comments on May 15th and fully-informed written comments by June 25th. I do not know whether the Department of Energy has an official policy regarding responses to citizens' questions, and it is my understanding that the DOE, like any other public entity, has 20 days to respond to FOIA requests. Other than contacting the DOE with questions and FOIAing the DOE for applicable documents (and hoping it will provide responses within six and four business days, respectively), I know of no other pathways ordinary citizens like myself can use to directly request information from the DOE.

Thus, I am contacting you, my elected officials. I appreciate everything you both are already doing and anything more you are able to do to make sure that the public record accurately reflects citizens' attempts to make their voices heard. Thank you for all your efforts.

Barbara Kessinger  
(703)754-3001

**From:** BGKessinger@comcast.net  
**To:** delegatebobmarshall@hotmail.com, jstirrup@pwcgov.org  
**Subject:** FW: Public Record Questions/Answers re: Draft mid-Atlantic NIET Corridor Designation  
**Date:** Saturday, May 05, 2007 11:02:05 PM

Just caught a typo. I meant to say "20" days, not 10 days.

----- Forwarded Message: -----

**From:** [BGKessinger@comcast.net](mailto:BGKessinger@comcast.net)

**To:** [delegatebobmarshall@hotmail.com](mailto:delegatebobmarshall@hotmail.com), [jstirrup@pwcgov.org](mailto:jstirrup@pwcgov.org)

**Subject:** FW: Public Record Questions/Answers re: Draft mid-Atlantic NIET Corridor Designation

**Date:** Sun, 06 May 2007 02:05:58 +0000

> Delegate Marshall, Supervisor Stirrup:

>

> This email preceded the email that stated the FOIA requests. I believe I know  
> the answers to question #2, but I want clarification to determine if any other  
> time periods were ever seriously considered. I believe I cannot possibly know  
> the answers to question #3, and I doubt such a determination could be made  
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> certainty by the DOE at this time. This is very much uncharted territory.

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> fully-informed oral comments on May 15th and fully-informed written comments by  
> June 25th. I do not know whether the Department of Energy has an official  
> policy regarding responses to citizens' questions, and it is my understanding  
> that the DOE, like any other public entity, has 10 days to respond to FOIA  
> requests. Other than contacting the DOE with questions and FOIAing the DOE  
for

> applicable documents (and hoping it will provide responses within six and four  
> business days, respectively), I know of no other pathways ordinary citizens  
like

> myself can use to directly request information from the DOE.

>

> Thus, I am contacting you, my elected officials. I appreciate everything you  
> both are already doing and anything more you are able to do to make sure that

From: [BGKessinger@comcast.net](mailto:BGKessinger@comcast.net)

To: [kevin.kolevar@hq.doe.gov](mailto:kevin.kolevar@hq.doe.gov)

Cc: [poonum.agrawal](mailto:poonum.agrawal)

Subject: Public Record Questions/Answers re: Draft mid-Atlantic NIET Corridor Designation

Date: Thu, 03 May 2007 18:55:38 +0000

> May 3, 2007

>

>

> Director Kolevar:

>

> Could you or someone on your staff please answer the following questions

> regarding the DOE's recent draft mid-Atlantic NIET Corridor designation?

Please

> include my emailed questions in the DOE's Public Record.

>

> 1. Between the release of its Transmission Congestion Study in August 2006 and

> the announcement of its draft mid-Atlantic NIET Corridor designation on April

> 26, 2007, was there any attempt made by the DOE to divide the mid-Atlantic

> region into two smaller regions so that the New York City area of the study and

> the Washington D.C./Metropolitan area of the study would no longer be

> interconnected? If so, please elaborate.

>

> 2. Has the DOE determined how long the mid-Atlantic NIET Corridor would be in

> effect? If so, how was this determination made?

>

> 3. Has the DOE determined which body of federal eminent domain law would apply

> to the taking of private property for the siting of transmission lines? If

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> how was this determination made? Also, is a summary available for citizens?

If

> so, please provide me with a copy of that summary.

>

> 4. Between the release of its Transmission Congestion Study in August 2006 and

> the announcement of its draft mid-Atlantic NIET Corridor designation on April

> 26, 2007, was there any attempt made by the DOE to formulate for

recommendation

> national energy policy that would mandate energy stewardship, i.e.,

> conservation, energy efficiency, and demand-side management? If so, please

> elaborate.

>

> Please include your reply-emailed answers to these questions in the DOE's

Public

> Record. Once I receive answers to these questions, I will feel better

equipped

> to submit comments to the DOE. Thank you.

>

> Sincerely,

>

**From:** BGKessinger@comcast.net  
**To:** delegatebobmarshall@hotmail.com, jstirrup@pwcgov.org  
**Subject:** FW: Freedom of Information Act Requests  
**Date:** Saturday, May 05, 2007 5:46:44 PM

Delegate Marshall, Supervisor Stirrup:

Please forward this email chain pertaining to my FOIA requests to Congressmen Davis and Wolf and other elected officials as you probably have access to their private email addresses. As you can see, I am requesting that citizens be provided an opportunity to review two identified subsets of documents prior to May 11, 2007.

I know I speak on behalf of many citizens when I say that I am concerned about our ability to effectively comment on the draft mid-Atlantic NIET Corridor designation given the limited amount of information we have been provided.

Please contact Director Kolevar yourselves and ask other elected officials to contact him also regarding these FOIA requests. If it is not possible for the Department of Energy to provide the identified documents for citizens' review prior to May 11, 2007, it does not seem reasonable for the DOE to hold its public meeting on May 15, 2007.

Barbara Kessinger  
(703)754-3001

**From:** BGKessinger@comcast.net  
**To:** delegatebobmarshall@hotmail.com, jstirrup@pwcgov.org  
**Subject:** FW: Freedom of Information Act Requests  
**Date:** Saturday, May 05, 2007 5:59:24 PM

----- Forwarded Message: -----

**From:** BGKessinger@comcast.net  
**To:** The.Secretary@hq.doe.gov  
**Cc:** Kevin.Kolevar@hq.doe.gov  
**Subject:** Freedom of Information Act Requests  
**Date:** Sat, 05 May 2007 21:57:03 +0000

> May 5, 2007

>

>

> Secretary Bodman:

>

> So that citizens can adequately prepare their comments, written and oral, in  
> response to the Department of Energy's issuance of its draft mid-Atlantic NIET  
> Corridor designation, citizens desire to review data the DOE used to prepare  
its

> congestion study and to prepare its draft mid-Atlantic NIET Corridor  
> designation.

>

> Pursuant to the Freedom of Information Act, I am requesting the Department of  
> Energy to make available for citizen review any and all data it considered  
> and/or relied upon to prepare its congestion study during the timeframe August  
> 1, 2005, through August 31, 2006, inclusive.

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> Pursuant to the Freedom of Information Act, I am requesting the Department of  
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> and/or relied upon to prepare its draft mid-Atlantic NIET Corridor designation  
> during the timeframe August 1, 2006, through April 26, 2007, inclusive.

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> Please apprise me of a time and place when the records identified above can be  
> made available for citizen review prior to Friday, May 11, 2007. Thank you.

>

~ .

- >
- > Barbara Kessinger
- > 15033 Walking Stick Way
- > Haymarket, VA 20169
- > (703)754-3001

**From:** BGKessinger@comcast.net  
**To:** delegatebobmarshall@hotmail.com, jstirrup@pwcgov.org  
**Subject:** FW: Freedom of Information Act Requests  
**Date:** Saturday, May 05, 2007 4:44:16 PM

Delegate Marshall, Supervisor Stirrup:

Here are the Freedom of Information Act Requests I just submitted to Director Kolevar.

Barbara

----- Forwarded Message: -----

**From:** BGKessinger@comcast.net  
**To:** kevin.kolevar@hq.doe.gov  
**Cc:** poonum.agrawal@hq.doe.gov  
**Subject:** Freedom of Information Act Requests  
**Date:** Sat, 05 May 2007 19:11:43 +0000

> May 5, 2007

>

>

> Director Kolevar:

>

> So that citizens can adequately prepare their comments, written and oral, in  
 > response to the Department of Energy's issuance of its draft mid-Atlantic NIET  
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> Barbara Kessinger

> 15033 Walking Stick Way

> Haymarket, VA 20169

> (703)754-3001

BGKessinger@comcast.net  
To: The.Secretary@hq.doe.gov  
CC: Kevin Kolevar@hq.doe.gov  
Subject: Freedom of Information Act Requests  
Date: Saturday, May 05, 2007 5:57:03 PM

May 5, 2007

Secretary Bodman:

So that citizens can adequately prepare their comments, written and oral, in response to the Department of Energy's issuance of its draft mid-Atlantic NIET Corridor designation, citizens desire to review data the DOE used to prepare its congestion study and to prepare its draft mid-Atlantic NIET Corridor designation.

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Pursuant to the Freedom of Information Act, I am requesting the Department of Energy to make available for citizen review any and all data it considered and/or relied upon to prepare its draft mid-Atlantic NIET Corridor designation during the timeframe August 1, 2006, through April 26, 2007, inclusive.

Please apprise me of a time and place when the records identified above can be made available for citizen review prior to Friday, May 11, 2007. Thank you.

Sincerely,

Barbara Kessinger  
15033 Walking Stick Way  
Haymarket, VA 20169  
(703)754-3001

**From:** BGKessinger@comcast.net  
**To:** The.Secretary@hq.doe.gov  
**Subject:** FW: Freedom of Information Act Requests  
**Date:** Saturday, May 05, 2007 5:52:48 PM

----- Forwarded Message: -----

**From:** [BGKessinger@comcast.net](mailto:BGKessinger@comcast.net)  
**To:** [kevin.kolevar@hq.doe.gov](mailto:kevin.kolevar@hq.doe.gov)  
**Cc:** [poonum.agrawal@hq.doe.gov](mailto:poonum.agrawal@hq.doe.gov)  
**Subject:** Freedom of Information Act Requests  
**Date:** Sat, 05 May 2007 19:11:43 +0000

> May 5, 2007

>

>

> Director Kolevar:

>

> So that citizens can adequately prepare their comments, written and oral, in  
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> Barbara Kessinger

> 15033 Walking Stick Way

> Haymarket, VA 20169

> (703)754-3001

From: BGKessinger@comcast.net  
To: kevin.kolevar@hq.doe.gov  
CC: poonum.agrawal@hq.doe.gov  
Subject: Freedom of Information Act Requests  
Date: Saturday, May 05, 2007 3:11:43 PM

May 5, 2007

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So that citizens can adequately prepare their comments, written and oral, in response to the Department of Energy's issuance of its draft mid-Atlantic NIET Corridor designation, citizens desire to review data the DOE used to prepare its congestion study and to prepare its draft mid-Atlantic NIET Corridor designation.

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Please apprise me of a time and place when the records identified above can be made available for citizen review prior to Friday, May 11, 2007. Thank you.

Sincerely,

Barbara Kessinger  
15033 Walking Stick Way  
Haymarket, VA 20169  
(703)754-3001

**From:** BGKessinger@comcast.net  
**To:** poonum.agrawal@hq.doe.gov  
**Subject:** FW: Public Record Questions/Answers re: Draft mid-Atlantic NIET Corridor Designation  
**Date:** Thursday, May 03, 2007 3:08:33 PM

----- Forwarded Message: -----

**From:** [BGKessinger@comcast.net](mailto:BGKessinger@comcast.net)  
**To:** [kevin.kolevar@hq.doe.gov](mailto:kevin.kolevar@hq.doe.gov)  
**Cc:** poonum.agrawal  
**Subject:** Public Record Questions/Answers re: Draft mid-Atlantic NIET Corridor Designation

**Date:** Thu, 03 May 2007 18:55:38 +0000

> May 3, 2007

>

>

> Director Kolevar:

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> Could you or someone on your staff please answer the following questions  
> regarding the DOE's recent draft mid-Atlantic NIET Corridor designation?  
Please

> include my emailed questions in the DOE's Public Record.

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> 1. Between the release of its Transmission Congestion Study in August 2006  
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> 2. Has the DOE determined how long the mid-Atlantic NIET Corridor would be in  
> effect? If so, how was this determination made?

>

> 3. Has the DOE determined which body of federal eminent domain law would  
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> how was this determination made? Also, is a summary available for citizens?

If

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> 4. Between the release of its Transmission Congestion Study in August 2006 and

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> elaborate.

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> Please include your reply-emailed answers to these questions in the DOE's Public

> Record. Once I receive answers to these questions, I will feel better equipped

> to submit comments to the DOE. Thank you.

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> Barbara Kessinger

> 15033 Walking Stick Way

> Haymarket, VA 20169

> (703)754-3001

**From:** BGKessinger@comcast.net  
**To:** kevin.kolevar@hq.doe.gov  
**CC:** poonum.agrawal  
**Subject:** Public Record Questions/Answers re: Draft mid-Atlantic NIET Corridor Designation  
**Date:** Thursday, May 03, 2007 2:55:38 PM

May 3, 2007

Director Kolevar:

Could you or someone on your staff please answer the following questions regarding the DOE's recent draft mid-Atlantic NIET Corridor designation? Please include my emailed questions in the DOE's Public Record.

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Sincerely,

Barbara Kessinger  
15033 Walking Stick Way  
Haymarket, VA 20169  
(703)754-3001

**From:** BGKessinger@comcast.net  
**To:** jstirrup@pwcgov.org  
**CC:** GMockaitis@pwcgov.org, SChambers@pwcgov.org  
**Subject:** Questions for Public Record  
**Date:** Thursday, May 03, 2007 9:56:51 AM

May 3, 2007

The Honorable Frank Wolf  
10th Congressional District  
U.S. House of Representatives  
241 Cannon House Office Building  
Washington, D.C. 20515

Congressman Wolf:

Please include the following questions in the Public Record for the Hearing on Federal Electric Transmission Corridors that was held last Wednesday, April 25, 2007.

Questions for Rep. Dennis Kucinich, Chairman, Subcommittee on Domestic Policy, Committee on Oversight and Government Reform:

1. Between the release of its Transmission Congestion Study in August 2006 and the announcement of its draft mid-Atlantic NIET Corridor designation on April 26, 2007, was there any attempt made by the DOE to divide the mid-Atlantic region into two smaller regions so that the New York City area of the study and the Washington D.C./Metropolitan area of the study would no longer be interconnected?
2. Has the DOE determined how long the mid-Atlantic NIET Corridor would be in effect? If so, how was this determination made?
3. Has the DOE determined which body of federal eminent domain law would apply to the taking of private property for the siting of transmission lines? If so, how was this determination made? Also, is a summary available for citizens?

4. Between the release of its Transmission Congestion Study in August 2006 and the announcement of its draft mid-Atlantic NIET Corridor designation on April 26, 2007, was there any attempt made by the DOE to formulate for recommendation national energy policy that would mandate energy stewardship, i.e., conservation, energy efficiency, and demand-side management?

Questions for Paul D. Koonce, Chief Executive Officer, Dominion Energy:

1. Assuming the DOE's draft mid-Atlantic NIET Corridor designation is approved, would you deem it appropriate for Dominion Virginia Power to seek federal "backstop" siting for a proposed transmission project if the Virginia Department of Transportation (VDOT) were to refuse to grant use of its right-of-way for such a project?

2. On page 7 of your testimony, you state that "It (Dominion Power's six-volume filing) is, without a doubt, the most thoroughly researched and prepared application for a high-voltage transmission line on our country's history." Could you please explain why Dominion Power's application fails to fully analyze the significant extent to which multiple combinations of DSM programs, transmission and generation options, and large-scale conservation efforts could collectively assist the electric grid?

3. On page 9 of your testimony, you state, "Further we asked KEMA . . . (to) give us an independent assessment of how we could solve the potential overloads without building a multi-million dollar transmission line." Did Dominion ask KEMA to analyze multiple combinations of DSM programs, transmission and generation options, and large-scale conservation efforts?

4. NOVEC offers a load management program to all of its residential customers. The program involves switches installed free of charge on air conditioning units and hot water heaters that can be activated during peak demand periods via a transmitted signal to cycle off the units for brief periods to curtail usage during peak demand times. Has Dominion Power ever offered its residential customers a program equivalent to NOVEC's load management program? If so, when? If not, why not?

Thank you for providing citizens with an opportunity to submit questions to be included in the Public Record for the Hearing on Federal Electric Transmission Corridors that was held last Wednesday, April 25, 2007.

Sincerely,

Barbara Kessinger  
15033 Walking Stick Way  
Haymarket, VA 20169  
(703)754-3001

ORIGINAL

## Helen E. Marmoll

ATTORNEY AT LAW

~

*Little Haven Farm*

3097 James Madison Highway ~ Haymarket, Virginia 20169-2024

703/754-7474 ~ Fax 703/754-9598

E-MAIL hemesq@verizon.net

May 15, 2007

**Via Hand-Delivery to Public Meeting**  
**@ Doubletree Hotel Crystal City-**  
**National Airport, Arlington, VA**

THE OFFICE OF ELECTRICITY DELIVERY  
 AND ENERGY RELIABILITY, OE-20

U.S. Department of Energy

1000 Independence Avenue SW

Washington, DC 20585

**Re: National Interest Electric Transmission Corridors ["NIETC's"]**

Dear Ladies & Gentlemen:

Section 1221 of Environmental Protection Act of 2005 ["EPA"], which amends Section 216 of the Federal Power Act, charges the U.S. Department of Energy ["DOE"] with the obligation to designate NIETCs. Others have eloquently delineated the aspects of that statutory mandate that DOE has failed to follow. Still others have described in detail the inadvisability of the EPA and its inadequately considered provisions, including the serious violations of constitutional rights that the EPA invites. I endorse these concerns and pray daily for the success of our elected representatives toward the eventual repeal of the EPA. At this time, however, I write to draw your attention to a very serious implementation concern.

DOE has stated that it is simply attempting to implement the EPA in accordance with its duties. Thus, it must be assumed that DOE has made itself aware of the fact that the EPA was enacted by Congress (however inadvisedly) in the good faith belief that the EPA was needed and would be used to avert a power vulnerability that could be used by terrorists. DOE, therefore, would necessarily be obligated to implement the EPA to accomplish such anti-terrorist goals. With this in mind, please note:

1. **DOE Supervision Needed** -- Releasing unsupervised or limited supervised power to condemn to a profit motivated private enterprise will only serve to cause excessive delays from public initiatives, including long drawn out lawsuits

seeking injunctive relief based on constitutional issues. No private company should be able to engorge its coffers at the expense of other private citizens unless such profits are simply a natural result of a genuine Governmental decision of necessity for the common good. As a shareholder of Dominion Power, I can assure you that Dominion Power's decisions to condemn in the interests of its expansion plans would be made virtually entirely based on its profit intentions with little or no consideration for the victims in its path or the real common good.

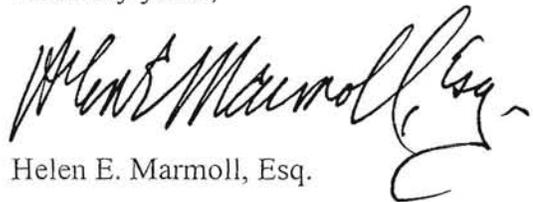
2. **Towers Vulnerable to Terrorism** -- There is nothing more vulnerable to terrorist attack than a string of countryside destroying towers stretching across multiple states as is planned by Dominion Power. Dominion Power posits the tower project as necessary in order to assure energy supplies to the Washington Metropolitan area. Yet, there is no way to secure such a supply system. Any handful of terrorists could easily disrupt the power to the Washington Metropolitan area if that power supply depended upon a string of towers. If secure economic power is truly the goal, then there should be no towers, even if DOE considers the corridor in the D.C. area to be a necessity. Constructing towers will have solved nothing.
3. **Implementing Regulations Needed** -- DOE should, before allowing any private company to participate in the windfall profits of an NIETC designation, issue Regulations that set forth what that participation must include. Those Regulations should fully implement the EPA, including setting forth conservation standards that must be met. After all, it is DOE's obligation to implement the DOE in accordance with the intent of Congress. When the EPA was enacted, it is unlikely that any Member of Congress had any idea that the EPA effort to contra-act terrorism would be little more than a big company profit windfall. The DOE should use its Regulatory power to bring about the true intent of the EPA.

The above points are offered solely as a concerned citizen who stands potentially in the line of fire, so to speak, but who represents no one else in this matter.

I look forward to hearing your considered comments on the above.

With kind regards, I am,

Sincerely yours,



Helen E. Marmoll, Esq.

cc: Piedmont Environmental Counsel  
Supervisor John T. Stirrup  
Delegate Bob Marshall  
Rep. Frank Wolf

I would like to introduce myself. My name is Mary Beth Martin, and I have resided in Rappahannock County, Virginia since 1974

If I had time to share with you the background of county, I believe you would appreciate the area as an important part of this nation's heritage. But 2 minutes will allow me only enough time to make my points in opposition to the proposed power line.

I have two issues with the proposed power line. *corridor.*

- 1) The gargantuan power line would damage the views in Rappahannock County and the views from the Shenandoah National Park. Actually, one-third of the county's ~~land~~ lies within the park. Each year, thousands of tourists visit the park, already one of the nation's most stressed national parks. Rappahannock County ~~also~~ needs to protect the viewsheds for <sup>the</sup> tourist industry. We need tourists and the <sup>income</sup> money they <sup>provide</sup> bring to restaurants, inns, local farms and <sup>retail</sup> businesses.
- 2) Allowing Dominion Power to generate more electricity in old, coal-burning power plants that were grandfathered in 30 years ago will further stress the air quality and ecology of areas downwind. These plants <sup>already</sup> produce enormous amounts of air pollution, haze, dangerous ozone levels, acid rain, and heavy metals. Pollution <sup>damages</sup> the water quality, <sup>and</sup> affects local agriculture that provides <sup>food</sup> produce for the greater Washington area, ~~and~~ threatens the health of the residents.

I believe Dominion Power plans to use the line as a corridor for electricity to metropolitan areas that could produce their own power in newer, more environmentally-friendly plants that would help reduce green house gas emissions. Please value the local economy, health of the environment, and well being of the residents by denying the company's request.

Thank you for the opportunity to speak.





Industrialization and  
air pollution  
Lawsuits  
Air Pollutants  
Clean Air Act  
State regulation  
Smog reduction  
Sulfur dioxide  
Carbon dioxide and  
global warming



## Smog Reduction

Source. A recurring political dispute involves the federal EPA's effort to reduce smog emissions under the Clean Air Act. There has been a running *battle between* northeastern states and southern and midwestern states over air pollution emitted from the latter migrating into the former.



*The main sources of smog, or ground-level ozone, are motor vehicles, coal-fired power plants, and factories.* A helpful web site is <http://www.ozone.org/>

Reactants. The reactants of photochemical smog are **nitric oxide, unburned hydrocarbons, and sunlight.** After a few hours have passed, oxidants are produced such as ozone, peroxyacetal nitrate (PAN), aldehydes, and aerosol haze. An intermediate product is nitrogen dioxide which gives the air a brownish color and reaches peak concentration about halfway through the reaction process. This is what an airplane passenger sees residing above a city after takeoff and climbout. The smog impact of an emitted hydrocarbon is determined by its concentration and its photochemical reactivity.

Gas guzzlers. **Cars** in our mobile society are considered by most Americans as essential. In recent years sports utility vehicles (SUVs) have been in vogue. Unfortunately SUVs have not been held to the same exhaust emission standards as ordinary automobiles, producing about twice the exhaust emissions as the latter emit. The federal EPA had its sights set on changing this disparity of treatment; and so in December 1999 President Clinton announced a major emissions initiative to *treat small trucks and SUVs like autos* and phase-in reductions in nitrogen oxide and soot emissions.

He was aware that even though cars and trucks now emit 90 percent less smog than in 1970, ozone levels

have declined only 30 percent in that time. That is because more people drive more miles each year. Additionally, the 1999 EPA initiative mandated oil refiners to **lower the sulfur content in gasoline**, in part because sulfur clogs catalytic converters which clean car exhaust.

Dirty coal. Coal-fired **power plants' emissions exit tall stacks**. Since the 1970s tall stacks have been the electric power industry's way to avoid NAAQS violations by dispersing the plume high into the atmosphere and away from downwind ground areas.

Clean Air Act amendments in 1977 mandated sulfur dioxide reductions from *new* power plants through use of *scrubbers*. Older coal-fired power plants were *exempted* from the emissions limits imposed by 1970, 1977, and 1990 statutes. But, instead of retiring the old plants as Congress anticipated, the **electric utility industry retained the pollution belchers**. Why? The older, unregulated coal-burning plants are *cash cows* which take advantage of low coal prices.

The utilities' Achilles' heel is their desire to modify their older coal-fired power plants. Under New Source Review, *such changes are supposed to bring grandfathered power plants into compliance with modern pollution control standards*. The coal industry is aggressively lobbying the Bush administration to dismantle the New Source Review provision of the Clean Air Act.

According to the Environmental Working Group, between 1992 and 1998 West Virginia ranked second in *increased* nitrogen oxide emissions and fifth in greenhouse gas emissions. In West Virginia, according to the National Institute of Chemical Studies (NICS), fourteen power plants are by far the **largest source of toxic pollution** in the state and constitute roughly 85 percent of the pollutants entering the air. For 1998 three acids -- hydrochloric, hydrofluoric, and sulfuric -- accounted for 98 percent of toxic air emissions from power plants. Other toxics released were compounds of metals including small amounts of dangerous dioxins and mercury.

While federal EPA Toxics Release Inventory (TRI) reports generally document a continuing decrease in toxic pollution from West Virginia manufacturers (as affirmed by NICS reports), those improvements are

undermined by massive air pollutants from coal-fired electric generating plants. TRI data always are two years behind the year of release to the public.

Lawsuits. American Electric Power, headquartered in Columbus, Ohio, is the biggest supplier of *coal-fired electric power* in West Virginia. In November 1999 the EPA sued AEP for making major modifications to the Mitchell plant in Moundsville and the Philip Sporn plant in New Haven without installing equipment required to control smog, acid rain, and soot.

In September 1999 New York's attorney general alleged that seven coal-fire power plants in West Virginia owned either by AEP, Allegheny Energy, or Virginia Electric & Power (VEPCO)[now Dominion] made modifications without complying with federal law. A number of midwest utilities have been sued over similar allegations by the EPA and states in November 1999 filed a separate lawsuit in Columbus, Ohio, making similar allegations. Also accused in March 2000 by the federal EPA of unlawful emissions are AEP's John Amos plant, Kanawha River plant at Glasgow, and Kammer plant at Moundsville.

Dominion in November 2000 agreed to settle its case. The utility will spend \$1,200,000,000 over 12 years to install equipment to cut 70 percent of emissions (sulfur dioxide, nitrogen oxides) from eight power plants, including two West Virginia emitters -- Mount Storm at Mount Storm Lake and North Branch at Bayard.

Economic threat? For coal-producing states, such as West Virginia, **any change of the status quo is viewed as an economic threat and becomes a political issue** in the halls of Congress and elsewhere.

Even the state legislature gets involved. The 1996 Interstate Ozone Transport Oversight Act [W. Va. Code sec. 22-5-17] requires legislative approval to the terms of any agreement by the state DEP director to air pollution emission controls in addition to those specified in the Clean Air Act.

New EPA rules. In November 1997, upon request of eight New England states, the EPA called for twenty-two states and the District of Columbia to make plans to reduce smog-causing emissions in amounts ranging from 9 percent to 44 percent (for West Virginia).

In summer 1997 EPA *revised ozone and particulate health standards* for the first time in ten years.

The *EPA timetable requires states to establish plans for reducing emissions* by 2003. In West Virginia total nitrogen oxide emissions must be reduced by nearly 100,000 tons by 2007. EPA fact sheets explaining the new standards appear at its web site <http://www.epa.gov/ttn/> . EPA's emission reduction rule was approved by the U.S. Supreme Court in early 2001. The court's decision affirmed that the Clean Air Act "unambiguously bars cost considerations" in the process of setting air-quality standards.

In December 1999 EPA acted on petitions of downwind states and ordered nearly 400 power plants and industrial boilers in 12 states to dramatically reduce smog-producing emissions. In West Virginia the aim is to reduce total nitrogen oxide emissions by about 76 percent to 29,000 tons per year at sixteen power plants and 7 manufacturing facilities.

Big polluters. West Virginia ranks thirty-fifth in state population but, as to air emissions, as of 1997, was *sixth for sulfur dioxide and seventh for nitrogen oxides.*

According to former EPA regional administrator Michael McCabe, "West Virginia power plants spew more nitrogen oxide into the air than all the power plants in Maryland, Delaware, Virginia and the District of Columbia." And "coal-fired power plants in the midwestern and southern states emit more than 5.5 times as much nitrogen oxide as the coal-fired power plants in the northeastern states."

Tons of emissions data are available from the EPA at its **acid rain** web site at <http://www.epa.gov/>... Maps showing pollution and pollution deposition data can be found at: <http://www.epa.gov/>... and within "isopleths" at <http://nadp.sws.uiuc.edu/> .

Still, although a significant polluter, because the impact of nitrogen oxides diminishes by about half every 150 miles, West Virginia may not be the bogeyman in northeastern states that it is made out to be. West Virginia's close neighbors -- Pennsylvania, Virginia, Maryland, and Washington, D.C.-- receive the brunt of this state's power plant emissions.

Downwind. Ironically Wild and Wonderful West Virginia **experiences transported air pollution from the largest emitters to the south and west:** Ohio, Texas, Kentucky, Indiana, Florida, and Virginia. Power plants are the biggest emission offenders contributing about two-thirds of sulfur dioxide, 29 percent of nitrogen oxides, 36 percent of carbon dioxide, and 21 percent of mercury.

The Ohio River Valley is particularly hard hit by emissions and may not meet the new health standards for ozone and particulate matter. While states like New York have higher peaks of ozone than does West Virginia, people in West Virginia probably breathe more ozone.

Technology. In recent years pollution control industries have shown that the expense of installing pollution-reducing equipment in coal-fired boilers is far less than previously thought. *American ingenuity and public commitment to emission reduction can be successful.* There are legitimate issues about the money states must spend for controls and upon what basis each state's financial expenditures are determined, such as upon the principle of proportionality (each state's contribution to pollution).

Future. Power plants are in West Virginia because the coal is here. Those plants are here to stay for the foreseeable future. ***Predictions of dire consequences resulting from regulating smog-causing emissions sound the biblical shepherd's cry of the wolf that isn't there.*** It is an old cry used in 1970 when the first federal clean air statute was enacted. Yet, despite industry complaints, needed improvements, aided by technology, were made and continue to be made and the country enjoys prosperity. The governing aphorism of these Chicken Littles may be this: put off until tomorrow what you don't have to do today.

Public health. What is needed in the smog-ozone debate is a *holistic approach* to cleaning up the air, instead of finger-pointing to shift costs to someone else. We all breathe the air. The emphasis needs to be on *public health* and not on corporate profits.

High levels of **ozone** in the air are unhealthy for everyone. In West Virginia during the summer of 1998, for example, state citizens breathed unhealthy air one of every three days (as measured by monitors in

Charleston, Greenbrier County, Huntington, Vienna, Weirton, and Wheeling). Similar results existed in a June 2000 report, "Smog Watch 2000," issued by the Clean Air Network.

Persons with respiratory ailments and young children are more vulnerable to ozone than are the rest of us. Long-term exposure to ozone can impair lungs and trigger asthma attacks and breathing problems. According to former EPA regional administrator Michael McCabe, "about 10 to 20 percent of all respiratory-related hospital visits in the northeastern United States can be attributed to ozone pollution."

Last updated on Tuesday, July 24, 2001

National Park Service  
U.S. Department of the Interior



## Shenandoah National Park Gaseous Pollutants, Ozone, and Smog

### What are Gaseous Pollutants?

The major **gaseous pollutants** include sulfur dioxide ( $\text{SO}_2$ ), carbon monoxide (CO), and nitrogen oxides ( $\text{NO}_x$ ) as well as ozone ( $\text{O}_3$ ). The primary source of these gases is the combustion of fossil fuels in power plants, various industrial processes, and motor vehicles and equipment. Each of these pollutants, in their gaseous form, can cause harm to human health and the environment. They are also essential ingredients in chemical and physical transformations which can result in further damages (see sections on acid deposition and visibility).



US FOREST SERVICE OZONE BIOMONITORING WEBSITE

Stippling of Yellow (Tulip) Poplar leaves caused by ozone.

### What is Ozone?

**Ozone** ( $\text{O}_3$ ) is a gas composed of three oxygen atoms. The oxygen we need to live contains two oxygen atoms per molecule. A natural layer of ozone in the upper atmosphere, known as the **stratosphere**, is created by reactions of oxygen, nitrogen oxides, and ultra-violet radiation. Ozone has the same chemical structure whether it occurs miles above the earth or at ground level and can be "good" or "bad," depending on its location in the atmosphere. "Good" ozone occurs naturally in the stratosphere approximately 10 to 30 miles above the earth's surface and forms a layer that protects life on earth from the sun's harmful rays. In the earth's lower atmosphere, which is known as the troposphere, **ground-level ozone** is considered "bad."

### Where Does Ground-Level Ozone Come From?

Ozone forms near the earth's surface when other chemicals in the air -- nitrogen oxides and volatile organic compounds (VOCs) -- react in the presence of sunlight. Nitrogen oxides and VOCs are emitted by mobile sources, most notably cars and trucks.

### What are the Effects of Too Much Ozone?

High ozone concentrations at ground-level are considered a serious threat in our cities and rural areas, such as Shenandoah National Park.

Ozone injures the lungs of humans and other animals, decreasing their ability to fight infection and remove inhaled particles. *Ozone can cause permanent lung damage.*

*coughing, sinus inflammation, chest pains, scratchy throat, stinging eyes and general malaise. High concentrations are hazardous for people with heart and respiratory ailments. Most vulnerable are children, the elderly, and those with existing health problems.*

Ground-level ozone also interferes with the ability of plants to produce and store food, which makes them more susceptible to disease, insects, other pollutants, and harsh weather.

Plants that are reliable indicators of phytotoxic (i.e., harmful) levels of pollutants are known as **bioindicators**. Examples of bioindicators for ozone include black cherry, blackberry, common milkweed and yellow-poplar. Forty ozone sensitive plant species have been identified at Shenandoah.

Ozone damages the appearance of leaves of trees and other plants. The most common visible symptom of ozone injury on broad-leaved bioindicator species is uniform interveinal leaf stippling or speckling on the upper surface of the leaf. As a gaseous pollutant, ozone enters plant leaves through the normal process of gas exchange, damaging the plant tissue.

### **Ozone at Shenandoah National Park**

Elevated levels of ozone have been documented at Shenandoah as has damage to park vegetation. Park staff members are concerned with this situation and therefore work on a variety of programs related to monitoring, research, and emissions reduction. Park staff members have also instituted an Ozone Advisory program aimed at educating employees and park visitors about the risks of exposure to ozone and precautions that can be taken.

### **Related Information**

Helpful literature related to ozone includes:

Anon. 1999. Ozone monitoring, mapping, and public outreach – delivering real-time ozone information to your community. EPA/625/R-99/007. Office of Research and Development, Environmental Protection Agency, Washington, DC.

Garner, J.H.B., T. Pagano, and E.B. Cowling. 1989. An evaluation of the role of ozone, acid deposition, and other airborne pollutants in the forests of eastern North America. General Technical Report SE-59. Southeastern Forest Experiment Station, Forest Service, U.S. Department of Agriculture.

Hakkarinen, C. editor. 1987. Forest health and ozone. Electric Power Research Institute, Palo Alto, California.

### **Good Up High, Bad Nearby – EPA publication**

### **Ozone and Your Health – EPA publication**

### **Smog – Does It Hurt You? – EPA publication**

The following websites provide helpful information related to ozone:

### **EPA Air Quality Index – AIRNOW website**

**[EPA Ozone information during the previous 12 hours](#)**

**[Recent Ozone Data from Shenandoah National Park](#)**

**[Recent Ozone Data from other National Parks across the country](#)**

**[Ozone Standard Exceedences during the Previous Year](#)**

**[Historic and Archived Gaseous Pollutant Data from Shenandoah National Park](#)**

*Listing of these websites does not and is not intended to imply endorsement by the National Park Service of commercial services or products associated with the sites.*



**Did You Know?**

The large rounded boulders on the top of Old Rag, Shenandoah National Park's most popular peak, were formed in place by chemical and physical weathering, called spheroidal weathering.

Last Updated: July 13, 2006 at 11:54 EST

National Park Service  
U.S. Department of the Interior



## Shenandoah National Park Air Quality

Air quality is fundamentally important to the preservation of natural and cultural resources and values. Shenandoah is located downwind from and near major industrial and urban areas. Monitoring and research projects confirm that human-caused air pollution has impaired the park's air quality, visibility, stream-water chemistry, soils, native fish and vegetation.



Air pollution, particularly during the summer season, has significantly degraded the distance, color, contrast and landscape details of park views from Skyline Drive, the Appalachian Trail, and high points in the park. Acid deposition has adversely impacted the acid-sensitive blacknose dace and acid-tolerant Appalachian brook trout at the individual, population and community levels. Despite improvements in air quality under the Clean Air Act, the park's visibility and most sensitive aquatic systems are still degraded relative to estimated natural or pre-industrial background conditions. In addition, the park does not currently meet ground-level ozone standards set by the U.S. Environmental Protection Agency to protect public health and welfare. The park registers some of the highest ground-level ozone measurements recorded at all national parks. Foliar injury caused by ground-level ozone has impaired the aesthetics of many of the park's 40 known ozone-sensitive plant species. Scientists are also concerned about potential ground-level effects on forest growth and the health of several species.

The National Park Service is committed to upholding its affirmative resource stewardship responsibilities under the Clean Air Act through continuation of a strong monitoring and research program, and through resource-efficient regional planning. The Service is also involved in educational efforts, implementation of environmental leadership activities, and providing review and comment on proposed new or modified sources of air pollution.

### Related Information

The following websites provide information about air quality:

[Air Resource Information from the Environmental Protection Agency](#)

[Air Resource Information from the National Park Service](#)

[Air Quality Information from the Virginia Department of Environmental Quality](#)

## Virginia Natural Resources Education Guide – Air Quality

### Mid-Atlantic Integrated Assessment – Air Resources – Environmental Protection Agency

*Listing of these websites does not and is not intended to imply endorsement by the National Park Service of commercial services or products associated with the site.*



#### **Did You Know?**

In 1928, wanting to escape the heat and humidity of summers in Washington, D.C., Herbert and Lou Henry Hoover began looking for a "summer place" within a day's drive of the city. The Hoovers acquired land within the proposed Shenandoah National Park and built Rapidan Camp, their summer White House.

Last Updated: July 25, 2006 at 00:31 EST

Comments of Cale Jaffe  
Staff Attorney, Southern Environmental Law Center  
U.S. Department of Energy Public Meeting  
Arlington, VA  
May 15, 2007

My name is Cale Jaffe, and I am a staff attorney with the Southern Environmental Law Center and a lecturer at the University of Virginia School of Law. SELC will fill more detailed comments before the close of the comment period. Today, I wanted to touch on a few points relating to compliance with the National Environmental Policy Act.

To be clear, DOE should not go forward with these draft designations because of its failure to comply with NEPA. DOE claims that it is not compelled to complete an Environmental Impact Statement at this time because FERC will conduct site-specific reviews for any transmission line application it receives. But relying on FERC's duties under NEPA misses the point.

The CEQ regulations implementing NEPA define "major federal action" to include the "adoption of formal plans ... upon which *future* agency actions will be based." And an effect will be "significant" under the regulations based in part on "the degree to which the action may establish a precedent for *future* actions."

In short, an EIS is clearly envisioned for federal actions, such as these corridor designations, which are necessary precursors to future actions with significant impacts of their own.

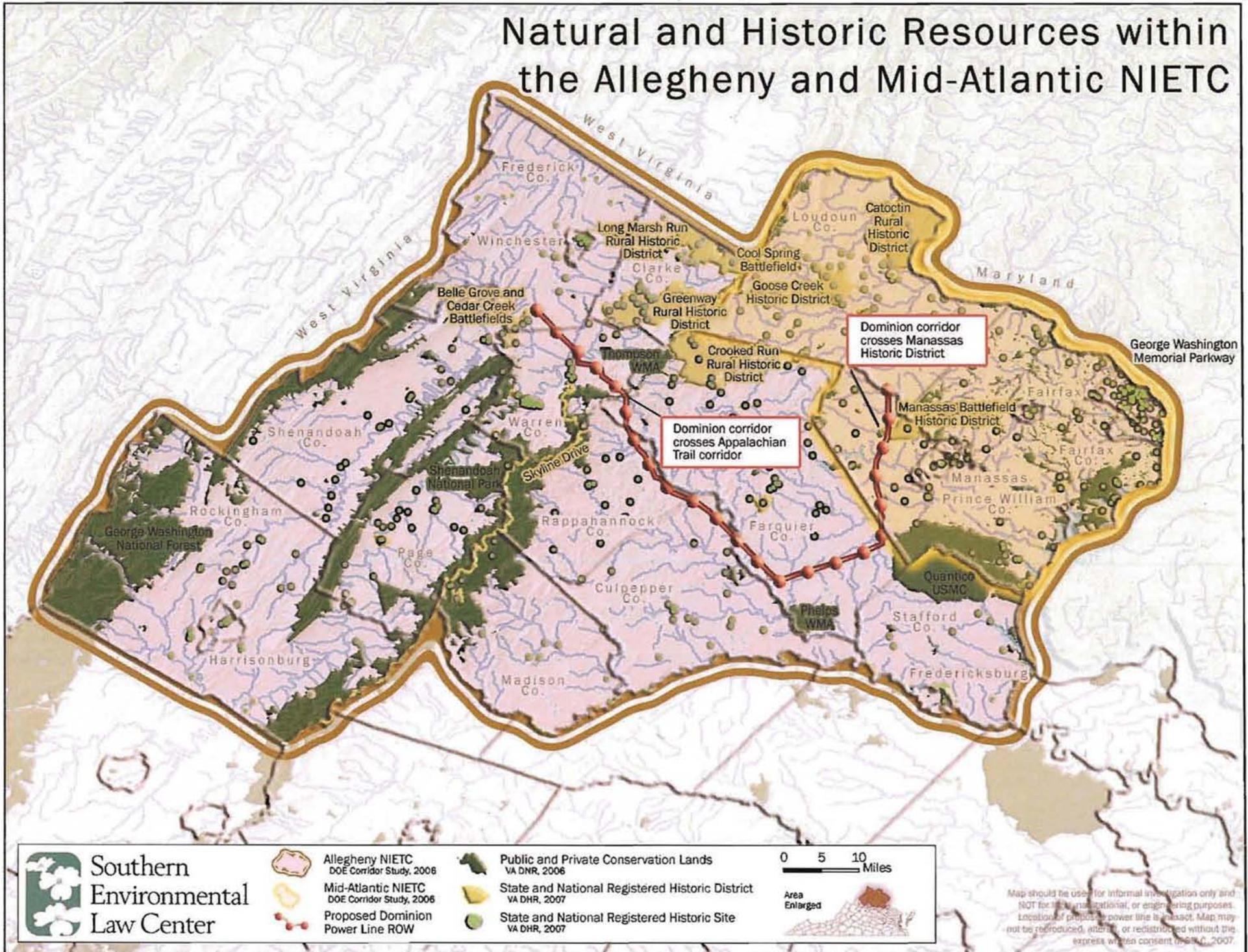
Moreover, even if FERC never receives an application, these DOE designations themselves have immediate and direct impacts on the human environment. In Virginia, for example, Dominion Power has recently filed an application with the State Corporation Commission for construction of a power line that would fall within a draft corridor designated by DOE.

The one-year time clock imposed by a corridor designation would deny the State sufficient time to conduct its environmental impact analyses, and would pressure the SCC to rubber stamp the proposal.

I am submitting with my comments today a map that highlights just a few of the resources that the SCC is required to protect under state law, but would be threatened by a DOE corridor designation.

In closing, nothing FERC will consider relieves DOE of its obligation to complete a Programmatic EIS at this stage. Thank you.

# Natural and Historic Resources within the Allegheny and Mid-Atlantic NIETC



**Oral Comment of EEI on the Department of Energy's Proposal to Designate Two  
National Interest Electric Transmission Corridors**

Arlington, Virginia

May 15, 2007

The Edison Electric Institute (EEI) strongly supports the U.S. Department of Energy's (DOE) proposal to designate two national interest electric transmission corridors: the Mid-Atlantic Area Corridor and the Southwest Area Corridor. EEI is the association of the nation's investor-owned electric utilities, which play a prominent role in developing, maintaining, and operating our nation's electric transmission grid.

As recognized in the Congestion Study released in August 2006 and in the draft designation proposals, the geographic areas encompassed by these designations are experiencing persistent congestion and capacity constraints that are adversely affecting consumers. These problems have been known for a long time, having been identified in DOE's National Grid Study in 2002 and in other analyses completed to support state, regional and utility planning efforts. The proposed DOE designation serves notice to all stakeholders, the states, and utilities that it is well past time for them to settle on appropriate solutions to resolve the identified congestion, whether those solutions involve new generation, new transmission, conservation, or a combination thereof.

EEI supports DOE's decision to draw geographic boundaries that are broad and inclusive. DOE has correctly interpreted the scope of its responsibilities under the Energy Policy Act of 2005. Under that statute, DOE's is authorized to designate as "national interest corridors" those geographic areas experiencing transmission congestion and capacity constraints that adversely affect consumers, where the nation's interest requires a resolution. The use of broad geographic boundaries assures that states will have maximum flexibility to craft the appropriate solutions for congestion consistent with their policy preferences and priorities. Such broad boundaries also assure that DOE is not favoring one solution over another, or endorsing particular proposed transmission projects at the expense of others.

EEI appreciates the challenges that state siting authorities face when addressing transmission problems whose impacts are both local (or instate) and regional (interstate) in nature. We support the state siting authorities and believe that the states typically are the best place for decisions to be made regarding new transmission infrastructure. However, the national interest corridor designations are essential for encouraging states to make timely decisions, inasmuch as the backstop siting authority of the Federal Energy Regulatory Commission is available to an applicant if a state cannot or will not act to resolve critical congestion problems identified by DOE.

We also recognize the need to consider alternatives to building transmission, to undertake careful environmental and historic preservation analyses in siting transmission facilities, and to engage in an open siting process with landowners and others affected by proposed projects. We agree with DOE that because a national interest corridor does not embrace any particular solution, endorse any specific proposed project, or compel any particular action by any party, these evaluations are best left to the states, and to FERC should its back stop authority be accessed. If DOE were to undertake these evaluations, the Department would intrude on the siting authority vested in the states and in FERC and would constrain the options available to those authorities in crafting solutions and addressing the many different issues raised by actual siting decisions, including landowner and other stakeholder concerns.

Finally, EEI believes that the nation needs a robust electricity grid that is reliable, efficient, and capable of delivering as much reasonably-priced electricity as is needed to meet existing and future demand for electricity. Fluctuations in the quality of electricity delivered to the consumer, curtailments, or black outs are not acceptable, and Congress recognized this with the enactment of the Energy Policy Act of 2005. The National Interest Corridor designations will assist EEI member companies in their efforts to work with the states and other stakeholders to assure that consumer electricity needs are met.

Good Morning

My name is Wayne Murphy and I am here today representing the Piedmont Home Owners Association. We have a 1600 family community in western Prince William County in Virginia and are in the potential designated “corridor” area.

First let me say that we are for viable, reliable power to our region. That is not our issue. How it is provided and who decides the taking of our land is.

Since Dominion Power proposed to our state this year a new transmission line that would pass through our county we have closely examined their proposal and found from the outset it was solely driven by a desire to build additional transmission capacity – capacity not needed in Virginia. It was not designed to address our power needs directly. Other means to meet power needs that include more efficient existing transmission technologies, rudimentary demand reduction schemes, and local on call generation were not really considered. The current system we have created in the US rewards and gives incentives to new construction of transmission capability – not to solving our energy problems.

We do have a means to address this single solution proposal through our local and state governments. The process is currently working. However this expansive “corridor” designation would bypass those safeguards and give carte blanche to the power monopolies to avoid rational justification and consideration of state and local concerns.

Even if an expedited infrastructure construction is deemed essential the vast, wide area currently characterized as a corridor effectively shuts out all local and State concerns from NY to Virginia. Calling the designated area a “corridor” is expanding its English language definition to the extreme.

Homeowners all over our country value their property rights. The right to its private use is a fundamental element in America’s soul. Our local and state officials are called to answer when a need to abridge that right in any way is deemed essential by their neighbors. The taking of property without reasonable due process is wrong, and this designation would bypass the very safeguards we have in our local and state governments and remove us and our neighbors from the decision process.

We oppose this current designation. If a corridor is deemed essential I urge you to narrowly and specifically define it and allow for our neighbors to judge our needs – not bypass our republic’s institutions.



May 2007

I am an Energy Futures and Energy Stock trader from Culpeper with a Dominion Power website <http://www.eurobondonline.com/D.htm>

The Commodity Futures Trading Commission collected \$4.25mm from a Dominion Sub in 2006 for Gas Price Market Manipulation <http://www.eurobondonline.com/DCFTC.htm>  
This leads me to distrust Dominion Power

DOMUGLY is a website I created to advertise Dominions Poor Neighbor policy. This Chandler Street , Culpeper, Substation illustrates how Dominion Power lack of caring for the environment <http://www.eurobondonline.com/DOMUGLY.htm>

Why dosen't Dominion Power provide Yahoo with the information on much the salaries are for Dominion officers. <http://www.eurobondonline.com/DPROFILE.htm> How do we monitor the greed of the Power company?

What is Dominion Power doing for CO2 EMISSIONS?  
<http://www.eurobondonline.com/DCARBON.htm>

What is Dominion Power doing for Greenspace?  
<http://www.eurobondonline.com/DOMINIONPOWERGREENSPACE.htm>

Jack Rhoades  
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Culpeper, Va 22701  
540-960-0489  
eurobondonline@gmail.com  
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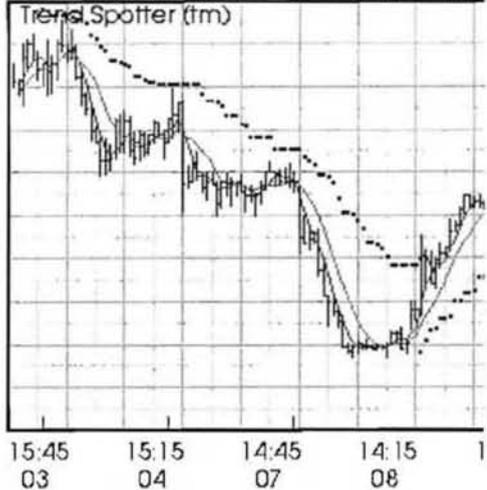
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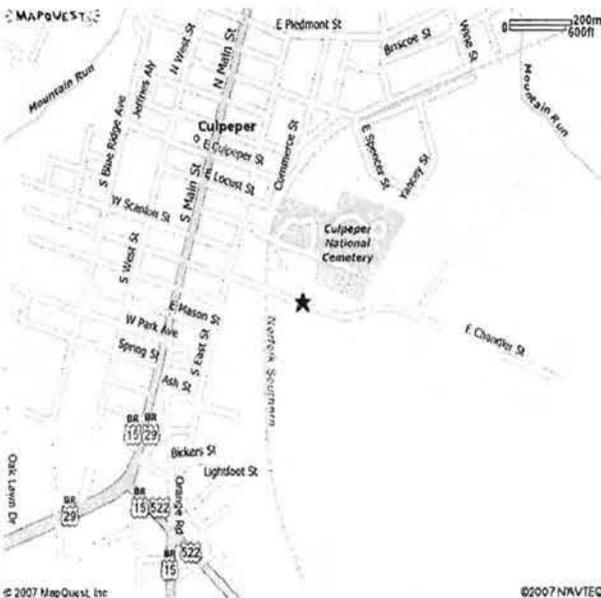
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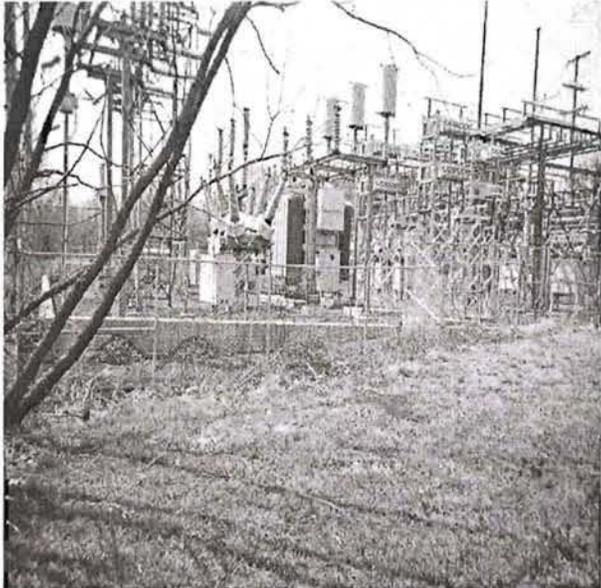
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**CFTC.** Jan-04 Xcel's subsidiary, e prime, manipulated natural gas prices. subtotal. 2083.5. \$. Enforcement actions combining natural gas and power ...

www.citizen.org/documents/NatGasManipulation.pdf - Similar pages

### Electric Light & Power - Beware the Ides of March, Regulators ...

Although FERC has had long-standing power to audit company books and records at its ... The CFTC collected a \$4.25 million fine from Dominion Resources in ...

uaelp.pennnet.com/.../289079/34/ARTCL/none/none/Beware-the-Ides-of-March,-Regulators-unsheath-their-daggers/ - 54k - Cached - Similar pages

### LCG Consulting - EnergyOnline

**Dominion Power** Increases Commitment to Nuclear Plant Expansion. LCG, May 3, 2007--**Dominion ... CFTC** Investigates Portland General Electric, (6/25/2002) ...

www.energyonline.com/Industry/NewsArchives.aspx?Year=2002&Month=6 - 107k - Cached - Similar pages

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**Dominion Power** Increases Commitment to Nuclear Plant Expansion ... FERC and CFTC Find No Evidence of Gas Market Manipulation, (8/30/2004) ...

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### Energy risk

**Dominion** Virginia Power, the power utility subsidiary of Dominion, ... Futures Trading Commission (CFTC) last week to trade emissions futures contracts ...

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Fax: 804-775-5819  
Web Site: <http://www.dom.com>

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Industry:	<a href="#">Electric Utilities</a>
Full Time Employees:	17,500

### CORPORATE GOVERNANCE

Dominion Resources Inc.'s Corporate Governance Quotient (CGQ®) as of 1-May-07 is better than **95.3%** of S&P 500 companies and **97.6%** of Utilities companies. Brought to you by [Institutional Shareholder Services](#).

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### KEY EXECUTIVES

	Pay	Exercised
<b>Mr. Thomas N. Chawning</b>		

### BUSINESS SUMMARY

Dominion Resources, Inc., together with its subsidiaries, operates as an integrated gas and electric company in the United States. The company operates in four segments: Dominion Delivery (DD), Dominion Energy (DE), Dominion



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## Dominion Environmental Report

The CO2 **Emissions** Intensity chart shows the tons of **carbon** dioxide per megawatt hour of electricity produced. **Carbon** intensity for the **Dominion** fleet has ...

<https://www.dom.com/about/environment/report/performance/index.jsp> - 38k - [Cached](#) - [Similar pages](#)

## Below Boston :: Rally Against Dominion Power

We invite you to attend a rally this Friday, April 27, to tell **Dominion** no to the **power** towers and call on **Dominion** to reduce its **carbon dioxide emissions**. ...

[www.soapblox.net/belowboston/showDiary.do?diaryId=825](http://www.soapblox.net/belowboston/showDiary.do?diaryId=825) - 33k - [Cached](#) - [Similar pages](#)

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**Dominion's** Approach to CO2 **Emissions** A balanced, diverse fuel mix ... (RGGI) seeking to cap CO2 **emissions** from **power** plants in the RRG I region: CT, DE, MA, ...

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## Dominion Environmental Report

Learn more about **carbon** dioxide **emissions** from **Dominion** operations. ... at our Brayton Point, Salem Harbor and Manchester Street **power** stations (see below). ...

[www.dom.com/about/environment/report/programs/greenhouse\\_print.jsp](http://www.dom.com/about/environment/report/programs/greenhouse_print.jsp) - 14k - [Cached](#) - [Similar pages](#)

## [PDF] [1 S : Grounds for a Yes vote on Dominion shareholder resolution ...](#)

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increasing public pressure to account for its **carbon emissions**. ... recently sent a letter to **Dominion** and 42 other electric **power** companies requesting

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**Economic Mistakes Multiply (lenus.blog-city.com)**

**Dominion Power** continues to operate in a vacuum as well. ... Some people defend their decision by saying they do not want to disturb the **green space**.

...  
lenus.blog-city.com/economicmistakesmultiply.htm - 32k - Cached - Similar pages

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west of the intersection with the Virginia **Dominion Power** ... (c) Where compact stalls abut a **green space** median or walkway that ...  
www.hampton.gov/codes/pdf/zoning/chapter\_17\_3\_13.l - Similar pages

**hburgnews » the environment**

In March I wrote about **Dominion Power's** plans to build a 500 kilovolt line through ... Saturday April 14, 2007 in downtown Harrisonburg on the **Greenspace**,

...  
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**Lake Anna News**

... as irrigation waters on the golf course and other **green space** within the development. ... **Dominion Power** enters contract with GE Energy. By Irene Luck ...

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**Loudoun Excluded From Utility Route - washingtonpost.com**

**Dominion Virginia Power** has excluded most of Loudoun County as a potential preserved **green**



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# Culpeper Green Way Trail - Phase One

would start at Culpeper Train Depot, cross the tracks along Spencer Street, run parallel to Mountain Run with a bike trails through Caruso 's Development , Anthony Clatterbucks and through Keyer Property , under Road, then along Mountain Run to Germanna College. , with a bridge over "the Run to Braggs Corner and the new High School.

**Culpeper Green Way Trail - Phase Two** would go under Route 29 and join POOR Farm Rd would go North to the New High School , then East Along Mountain, across the Campbell's land to join the Salubria Trails north of Stevensburg.

**Culpeper Rappannock Bike & Horse Trail** runs from Mountain Run in the town of Culpeper to the junction of the Rappannock River...about 25 miles, across At the junction of route 29 twe will build a bike overpass and at he junction of the Mountain Run and Jonas Run. There will be 2.5 miles of 4 rail black fence, 5 miles of 6 ft horse/bike/golf cart trails, bridge over the Mountain Run and connect to route 663 on Coles Hill Rd and a second bridge to route autos to Route'669 to the North .





COMMONWEALTH OF VIRGINIA  
HOUSE OF DELEGATES  
RICHMOND

L. SCOTT LINGAMFELTER  
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**Remarks by Delegate L. Scott Lingamfelter**  
**Member, Virginia House of Delegates**

***United States Department of Energy Public Meeting on the Draft Mid-Atlantic Area  
National Corridor Designation***

***Doubletree Hotel Crystal City-National Airport  
May 15, 2007***

“Good morning and thank you to the Department of Energy for organizing this public meeting. I come before you today as a member of the Virginia House of Delegates representing Fauquier County in the General Assembly. I speak also on behalf of my colleague and friend, Delegate Mark Cole, who represents the 88<sup>th</sup> House District and could not be here today. I am proud to join the chorus of voices from all parts of Virginia, especially my constituents in Fauquier County, in opposing this transmission line.

As a member of the House Militia, Police, and Public Safety Committee, I am deeply concerned about the impact that this new construction will have on adjacent properties, the unintended environmental and public health consequences of the transmission line, and the overall necessity of the project. Specifically, it is abundantly clear to me that the infrastructure of the Elk Run area is so narrow that the size and scope of this project dwarfs the intended span of the right-of-way and overburdens what the right-of-way can possibly handle.

While I certainly understand the need to expand service to growing communities, my number one concern, unequivocally, is the quality of life of Virginians. There has not been a clear or convincing case made that shows exactly how this energy will benefit Fauquier County or improve the quality of life of its residents. In fact, I have not seen one shred of evidence that shows this project being anything other than a tremendous burden on the infrastructure of Fauquier and the health, well-being, and property of its citizens.

The honest, hardworking, good people who have spent their own time, money, and efforts to fight for their families and their future have shown a powerful example of what sort of good can happen when people pull together. I am honored to stand with them today, and I promise you that I will not stop fighting until this project is halted.”

###

To: DOB  
From: Mitch Diamond

Subj: Meeting Process

The approach to assigning slots for speakers was inconsiderate to say the least!

I had to drive for 2 hours to get here during rush hour - they had to set aside an entire day because no slots were assigned in advance

There were many ways to, at least, increase the approximate time of day when a speaker would be added -

This was not welcoming and very difficult - unnecessarily



INDIAN@9@earthlink.net

**DOE PUBLIC CONFERENCE ON ITS NIETC DRAFT  
REPORT  
MAY 15, 2007  
ARLINGTON, VIRGINIA**

**REMARKS BY MICHAEL HEYECK  
SENIOR VICE PRESIDENT, TRANSMISSION  
AMERICAN ELECTRIC POWER SERVICE  
CORPORATION**

On behalf of the companies of American Electric Power (AEP), I applaud the DOE for its leadership to implement key provisions of the 2005 National Energy Policy Act.

The recently issued draft NIETC designations report by DOE unquestionably documents the need for two specific corridors in the US. It is absolutely clear that the nation needs to promote the investment of capital and deployment of technologies to address serious reliability, economic and national security issues in large population centers.

The PJM RTO, through rigorous and open processes, has determined that the solution to address the Mid-Atlantic area transmission congestion problem and to lower consumer costs involves new transmission reinforcements. It is therefore imperative that DOE act promptly and decisively to issue the NIETC designation for the Mid-Atlantic corridor area.

AEP is painfully aware of the need to improve the process of siting transmission. Despite the well-documented need by DOE and others for AEP's recently energized Jacksons Ferry - Wyoming 765kV line, it took 16 years to complete with 13 years devoted exclusively to siting. A major contributor to this delay was the

lack of a lead agency approach for siting over federal land. It is critical that FERC, as delegated by DOE, act as lead agency for siting needed transmission lines over federal land.

While FERC backstop siting authority is also critical to getting needed transmission built within corridors designated as NIETCs, AEP is committed to work with state and local authorities in the siting process as we have always done in the past. The existence of FERC back-stop siting authority should not excuse anyone from working cooperatively with state and local authorities.

This nation enjoys the benefit of an interstate highway system that President Eisenhower envisioned over 50 years ago. Federal, state, and local authorities as well as private enterprise worked side by side to bring that vision to reality. Imagine our economy and national security today without it.

As the most advanced nation in the world, we need a robust interstate transmission grid using high voltage, high efficiency transmission that can enable a better supply portfolio, including renewables, and broaden the benefits of demand side options for the benefit of all consumers.

Thank you.



GERALD E. CONNOLLY  
CHAIRMAN

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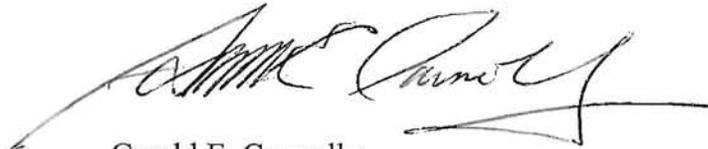
[chairman@fairfaxcounty.gov](mailto:chairman@fairfaxcounty.gov)

May 15<sup>th</sup>, 2007

Comments on National Interest Electric Transmission Corridors

I appreciate the opportunity to comment on the possible designation of National Interest Electric Transmission (NIET) corridors in Fairfax County and other jurisdictions within the Commonwealth of Virginia. While recognizing the need for increased transmission capacity for our growing community, I am concerned that the designation of NIET corridors could compromise my constituents' property values, air quality, and opportunity to participate in public decision making. It is inappropriate for the federal government to make decisions regarding placement of power lines that will affect my constituents without providing a process for review or approval. Since citizens have more access to state and local elected officials, as well as the State Corporation Commission, decision making authority should remain vested in these responsive local political bodies, to which my constituents have more access than they do to the FERC. NIET corridors also would undermine the efforts of Fairfax County and other jurisdictions in our region to combat global warming. By facilitating the transmission of electricity from outdated coal-fired power plants in West Virginia and Virginia to New Jersey and New York, NIET corridors would incentivize construction of base load coal power plants in states with weaker clean air regulations, like Virginia and West Virginia, for electricity export to markets in

states with stronger regulations, including those participating in the Regional Greenhouse Gas Initiative. Furthermore, NIET corridor designation would increase mercury pollution in communities like Fairfax that are downwind of dirty coal plants, this in a region that is already designated as a non-attainment area by the EPA. Finally, designation of NIET corridors could usurp state and local decision making authority, preventing the protection our public expects of from their elected officials. In sum, designation of NIET corridors could have substantial negative impacts on my residents' property values, quality of life, and democratic process. Therefore, I urge you not to designate any part of National Interest Electric Transmission Corridor.



Gerald E. Connolly

Chairman, Fairfax County Board of Supervisors

\_\_\_\_\_

Federal Energy Regulatory Commission Hearing  
National Interest Electric Transmission Corridor (NIET)  
May 15, 2007

My name is Raymond E. Graham, Supervisor in Fauquier County. I stand before you today as a proud local elected official for a community that cares. I represent what is good and beautiful in our county. We have created a community of scenic beauty and wonderful view sheds. I want to provide you with information that is in the forefront of the minds of our citizens.

- We have worked hard to ensure open space.
- There are conservation easements on over 77,000 acres in our community.
- 10 Civil War Battlefields
- 29 sites on the Virginia and Natural Registry of Historic Places
- 17,000 acres in historic districts.
- 2 state scenic rivers – Rappahannock and Goose Creek.
- Our citizens have chosen to preserve with their tax dollars these magnificent views through a Purchase of Development rights Program. Just this past week we approved the Purchase of Rights on an additional 814 acres, resulting in a total of 6,792 acres of eased property since 2004.

We are here today representing thousands of folks to tell you that enough is enough. We the people in rural areas of the country have time and again been victimized by the needs of jurisdictions that continually want more, bigger and faster. It is this mindset that continually impacts our communities with the blight that you are going to designate.

- It will encourage creation of blight of our view sheds (some within 100 feet of houses).
- It will allow for local rights to be removed.
- None of the corridor designations will result in any local use of power.
- It will result in a significant takings requirement.
- Increased negative opinion of the Federal Government.

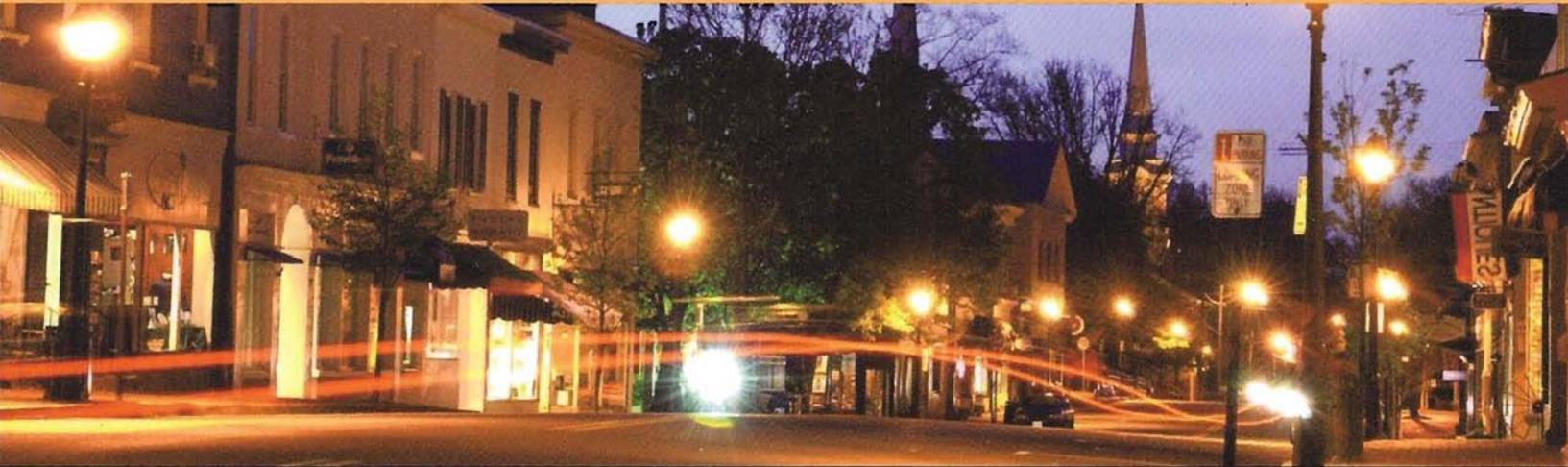
When there was a need in our local community we chose to have peaking plants built to ensure we would have power for future needs.

In addition, there has not been sufficient time for comments by the nearly 50 million affected residents. There have been more than 50 meetings with power companies, yet there are only 4 public hearing dates being held to receive comment. I especially object to those meetings being held in the urban areas and not in the areas most impacted.

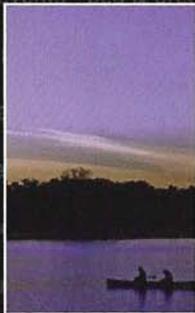
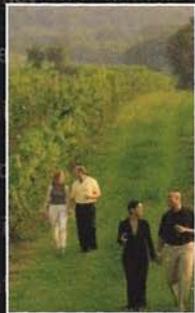
It is critical that whatever corridor you choose, you need to require that the power companies use the least intrusive means possible. In this case, have the companies bury the lines and put safety requirements in place to protect the landowners.

I implore you to think of how to negate the negative impacts to communities and citizens throughout these corridors. Your decision will impact millions.

Raymond E. Graham, Vice Chair  
Cedar Run District Supervisor  
Fauquier County Board of Supervisors  
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*Tourism and Business Development*

## RESOLUTION

### A RESOLUTION OPPOSING THE 500-KV POWER LINE PROPOSED BY DOMINION AND ALLEGHENY POWER AND THE FEDERAL DESIGNATION REQUESTED FOR THIS LINE

WHEREAS, Dominion Virginia Power (Dominion) and Allegheny Power have proposed to build a five-hundred kilovolt electric transmission line connecting the Mount Storm power station in West Virginia with the Loudoun County substation in Northern Virginia; and

WHEREAS, Dominion has identified a Study Area located in parts of Northern Virginia for the purpose of studying possible routes for the proposed transmission line; and

WHEREAS, The US Department of Energy released the 2006 National Electric Transmission Congestion Study without consulting Virginia, notwithstanding a mandate from Congress, within the Energy Policy Act of 2005, that directs the Secretary of Energy to conduct a study of electric transmission congestion "in consultation with affected States"; and

WHEREAS, the 2006 National Electric Transmission Congestion Study calls for consultation with local "stakeholders" before a decision is made by the Department of Energy on National Interest Electric Transmission Corridor (NIET Corridor) designation; and

WHEREAS, the proposal released by Allegheny and Dominion Power would bypass and undermine Federal governmental and historic protections, including the: National Environmental Policy Act, American Farm and Ranch Protection Act, United States National Trails System Act of 1968, The National Park System, National Historic Preservation Act of 1966, Federal Water Pollution Control Act; and

WHEREAS, this proposal would deface one of the most historic and protected landscapes in America, with over 48,000 acres under easement, 17 historic sites on Virginia and National Registers, 6 existing historic districts, at least 11 potential/proposed historic districts, one National Historic Landmark, 13 miles of Appalachian Trail, 83 miles of scenic byway, and 7 Civil War Battlefields; and

WHEREAS, State natural and historic protections could be bypassed and undermined by this process, including the: Open Space Land Act, the Conservation Easement Act, Chesapeake Bay Preservation Act, Virginia's policies on transmission siting as implemented by the State Corporation Commission, The Virginia State Park System (Sky Meadows State Park), Virginia Agricultural and Forested Districts, the Virginia Department of Historic Resources, Model Purchase of Development Rights Program for Virginia, State Scenic Byways Program, the State Scenic Rivers Act, and Virginia Land Conservation Incentives Act of 1999; and

WHEREAS, the power line proposal would do considerable harm to Fauquier County's Comprehensive Plan, which places a high value on agriculture, rural character, scenic viewsheds, tourism and environmental, historic and cultural resources; and

WHEREAS, the power line proposal would undo open-space and conservation easements in Fauquier County which were entrusted to Virginia in exchange for Federal and State tax benefits; and

WHEREAS, since sensible national energy policy must foster an optimal mix of deliverable power from diverse sources, the Board of Supervisors does not believe this line will enhance electric reliability or security; and

WHEREAS, the National Environmental Policy Act mandates that an environmental impact Statement (EIS) be prepared in advance of undertaking a 'major Federal action significantly affecting the human environment so that alternatives to the action can be understood and evaluated'; and

WHEREAS, a programmatic EIS is being conducted for transmission corridors proposed for eleven western United States, but no such study has been undertaken or is scheduled for the transmission corridor proposed through Virginia; and

WHEREAS, this power line has not been proven necessary; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14<sup>th</sup> day of December 2006, That the Board of Supervisors does hereby oppose the NIET Corridor designation requested by Dominion and Allegheny Power, and any future designation of NIET Corridors without consultation with Virginia, examination of alternatives, and the prior completion of a Programmatic Environmental Impact Statement; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors does hereby oppose the approval of this line by the Virginia State Corporation Commission; and be it

RESOLVED FINALLY, That the Fauquier County Board of Supervisors extends its thanks to Representative Frank Wolf, Senator John Warner, and the Honorable Governor Timothy M. Kaine for their leadership in pressing the industry and Department of Energy to consult with the Commonwealth of Virginia, as well as do a full environmental review and consideration of alternatives before proceeding further with NIET Corridor designation.



*A Copy Teste*

A handwritten signature in black ink, appearing to read "P. McCulla", written in a cursive style.

*Paul S. McCulla  
Clerk to the Board of Supervisors*

## RESOLUTION

### A RESOLUTION OPPOSING THE SOUTHERN ROUTE FOR THE 500-KV POWERLINE PROPOSED BY DOMINION AND ALLEGHENY POWER AND RESTATING THE BOARD'S OPPOSITION TO THE FEDERAL DESIGNATION REQUESTED FOR THIS LINE

WHEREAS, Dominion Virginia Power (Dominion) and Allegheny Power have proposed to build a five-hundred kilovolt electric transmission line connecting the Mount Storm power station in West Virginia with the Loudoun County substation in Northern Virginia; and

WHEREAS, Dominion has identified a possible route for the proposed transmission line following an existing transmission line corridor (the "Southern Route") through the Marshall, Lee and Cedar Run Magisterial Districts of Fauquier County; and

WHEREAS, the new Southern Route proposal released by Dominion Power would undermine Federal governmental and historic protections, including the: National Environmental Policy Act, American Farm and Ranch Protection Act, United States National Trails System Act of 1968, The National Park System, National Historic Preservation Act of 1966, Federal Water Pollution Control Act; and

WHEREAS, the Southern Route power line proposal would do considerable harm to Fauquier County's Comprehensive Plan, which places a high value on agriculture, rural character, scenic viewsheds, tourism and environmental, historic and cultural resources; and

WHEREAS, the power line proposal would harm Fauquier County's open-space and conservation easement program; and

WHEREAS, the Southern Route proposal would do considerable harm to the County's agricultural and forestal districts; and

WHEREAS, Dominion and Allegheny Power have not proven that the need for such a line is necessitated by the power needs of Fauquier County, Northern Virginia or the Commonwealth of Virginia as a whole; and

WHEREAS, since sensible national energy policy must foster an optimal mix of deliverable power from diverse sources, the Board of Supervisors does not believe this line will enhance electric reliability or security; and

WHEREAS, the Board of Supervisors has previously adopted a resolution dated December 14, 2006 stating its opposition to the previous Dominion power line siting proposals and to Allegheny's request for federal NIET Corridor designation of a power line corridor; and

WHEREAS, the Southern Route proposal, and the other previous power line site proposals, would cause economic damage to the owners of property within or near the 500kv

power line proposed by Dominion and would also cause fiscal damage to the County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of March 2007, That the Board of Supervisors does hereby state its opposition to the Southern Route for the 500-kv power line proposed by Dominion; and, be it

RESOLVED FURTHER, That the Board does hereby restate its opposition, as set forth in its Resolution dated December 14, 2006, to the NIET Corridor designation requested by Dominion and Allegheny Power and any future designation of NIET Corridors without consultation with Virginia, examination of alternatives, and the prior completion of a Programmatic Environmental Impact Statement; and, be it

RESOLVED FINALLY, That the Fauquier County Board of Supervisors does hereby state its opposition to the approval of any other power line route by the Virginia State Corporation Commission without a clear and convincing showing of the need for such power by Fauquier County, Northern Virginia and the Commonwealth of Virginia.



*A Copy Teste*

A handwritten signature in black ink, appearing to read "P. McCulla", with a long, sweeping horizontal stroke extending to the right.

*Paul S. McCulla  
Clerk to the Board of Supervisors*

**FAUQUIER COUNTY**  
**PURCHASE OF DEVELOPMENT RIGHTS**  
**PROGRAM**  
**PROGRESS REPORT**



**FEBRUARY, 2007**

## **Fauquier County Purchase of Development Rights (PDR) Program**



Agriculture is the leading industry in Fauquier County. A critical mass of farmland is necessary for the continued vitality of production agriculture. In February of 2002 the Fauquier County Board of Supervisors formally established the Purchase of Development Rights (PDR) Program, a voluntary program that pays landowners to protect the farmland and natural resources of their property while allowing them to continue farming their land. In some cases the PDR payment is used to defray debt and save the family farm, or to make significant improvements or additions to the farming operation. The applicant has full control over how the PDR payment is to be utilized. The purpose of the PDR Program is to protect farmland and retain the agricultural industry's critical mass. In addition to the cash PDR payments, landowners may be able to qualify for state and/or federal land conservation tax credit and deduction programs. All applicants are encouraged to discuss these programs with their tax advisors.

While funding for the Program is tax based, a significant 28% (\$1,863,500) of the total of all funds dedicated for PDR purchases has been provided by non-county sources.

Increasingly, Fauquier County is seen as a model by other localities seeking guidance in developing PDR Programs. In the past year, assistance has been provided to officials in Augusta, Culpeper, Franklin and Shenandoah Counties, Virginia and Talbot County, Maryland.

In addition, staff continues to serve on the Virginia Department of Agriculture and Consumer Services (VDACS) Farmland Preservation Task Force. The Task Force has developed a model PDR Program for localities and has outlined the structure for a state-funded PDR Program.

## VACo Achievement Award

In November 2006, Fauquier County was selected to receive an Achievement Award for the PDR Program by the Virginia Association of Counties (VACo). The award recognizes the PDR Program as an innovative county government program and the partnership which was developed with the Piedmont Environmental Council (PEC).



## **Farmland Preservation Progress**

Since its inception in 2002, the PDR Program has been gaining momentum as farmers see their friends and neighbors benefit from the program, and are better assured that farming has a permanent place in the future of Fauquier County. As of February 2007, 13 farms containing a total of 3,273 acres and 161 development rights are permanently preserved through the PDR program. An additional 11 farms of 1,568 acres and 84 development rights are approved and pending settlement, proof that the PDR Program continues to grow as a viable means of encouragement to continued farming and land preservation. The following landmarks point the way for future farming and continued working landscapes in Fauquier County.

## PDR Program History

### 2002

- February 19 - The Fauquier County Board of Supervisors adopts a Resolution to create a Farmland Purchase of Development Rights Program, authorizing payment of \$20,000 per development right.
- April 15 - The Board of Supervisors adopts a Resolution to commit land use roll back tax for the PDR Program.
- December 20 - First Round of applications received: 6 farms.



### 2003

- April 17 - A PDR Subcommittee of the Agricultural Advisory Committee votes to recommend the Board of Supervisors purchase all five qualifying applicants to the PDR Program.
- July 21 - The Board of Supervisors adopts a Resolution to fund the PDR Program and approves funding for the first five applicants (a total of 1,624 acres).
- December 22 – Second Round of PDR applications received (ODEC area): 5 farms.

## 2004

- **February 19 - First PDR Easement recorded: 215 acres**
- April 19 - The Conservation Easement Service District Ordinance is adopted by the Board of Supervisors, providing the vehicle for earmarked farmland preservation funding.
- **April 30 - Second PDR Easement recorded: 670 acres**
- May 17 - A five-member PDR Selection Review Committee is established.
- June 21 - A Cooperative Agreement with Virginia Outdoors Foundation for co-holding Conservation Easements acquired through the PDR Program is approved.
- July 29 – Dominion Virginia Power contributes \$100,000 to PDR Program.
- September 9- A Resolution to approve funding for PDR's within the Old Dominion Electric Cooperative mitigation area is adopted – Five second round applicants are accepted within a 5-mile radius of the ODEC power plant.
- **September 16 - Third PDR Easement recorded: 173 acres**
- October 14 - A Resolution to accept emergency applications (outside of regular application cycles) is adopted.
- November 10 - A Resolution to open a third application cycle is adopted.
- **December 29 - Fourth PDR Easement recorded: 205 acres**

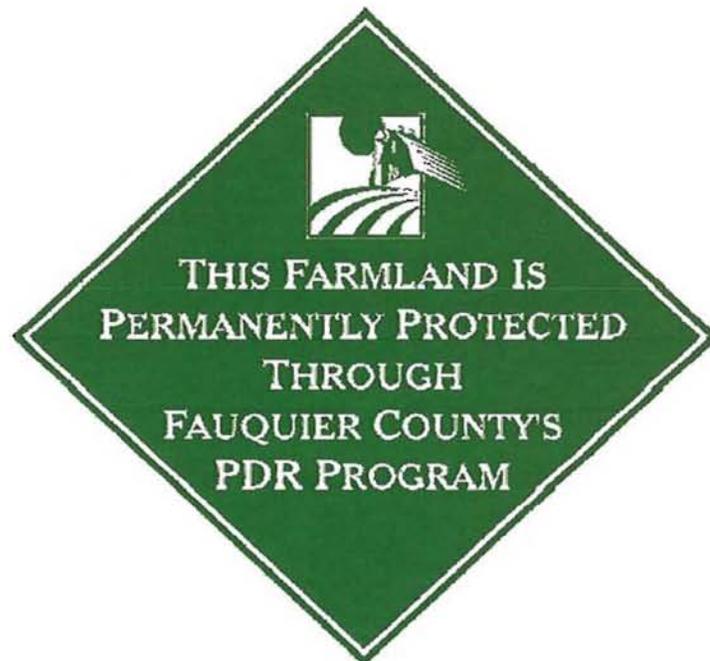


## 2005

- **January 21 - Fifth PDR Easement recorded: 115 acres**
- February 10 - A Resolution changing the Eligibility Criteria and Ranking Criteria is adopted to encourage more farm applications.
- **February 11 - Sixth PDR Easement recorded: 138 acres**
- **February 24 - Seventh PDR Easement recorded: 286 acres**
- February 25 – First of three \$500,000 contributions is received from Old Dominion Electric Cooperative.
- March 10 - A Resolution supporting application to the Virginia Land Conservation Fund Grant is approved along with funding for the subject applicant (third round).
- March 17 – Application is made to Virginia Land Conservation Fund Grant Program (first submission).
- May 12 - A Resolution approving funding for a second applicant in the (third application cycle) is approved.
- May 16 – A Tax Planning and Estate Seminar is sponsored for applicants and prospective applicants.
- **April 8 - Eighth PDR Easement recorded: 145 acres**
- October 13 - A Resolution approving a \$10,000 increase in price paid (from \$20,000 to \$30,000) per development right is adopted by the Board of Supervisors.
- September 20 – Application made to Virginia Land Conservation Fund Grant Program (second submission).
- November 10 - A Resolution to accept an easement donation of 20 acres to the PDR Program is accepted by the Board of Supervisors.
- December 1 – Virginia Land Conservation Fund Grant in the amount of \$213,500 is awarded to Fauquier County by the Department of Conservation and Recreation.
- December 1 – Dominion Virginia Power donates \$50,000 to the PDR Program.
- December 8 - A Cooperative Agreement with John Marshall Soil and Water Conservation District is established for potential co-holding of easements.

## 2006

- January 12 - A Cooperative Agreement with Piedmont Environmental Council is established.
- January 12 - A Resolution approving funding for the qualifying fourth round applicants is approved.
- February 21 – Second of three \$500,000 contributions is received from Old Dominion Electric Cooperative.
- **February 24 – Ninth PDR Easement Recorded: 740 acres**
- August 31 – Eight applications were received in the fifth round.
- **September 6 - Tenth PDR Easement Recorded: 302 acres**
- **October 27 – Eleventh PDR Easement Recorded: 264 acres**
- November 14 – Fauquier County PDR Program selected for Virginia Association of Counties (VACO) Achievement Award.
- **December 13 – Twelfth PDR Easement Recorded: 264 acres**
- December 14 – Board of Supervisors approves eight fifth round PDR applications (764 acres).





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***Fauquier County Board of Supervisors***

**Harry Atherton, Chairman (*Marshall District*)**  
**Ray Graham, Vice Chairman (*Cedar Run District*)**  
**Chester Stribling, (*Lee District*)**  
**Richard Robison, (*Center District*)**  
**William Downey, (*Scott District*)**

***Fauquier County PDR Committee Members***

**John Schied, Chairman (*Cedar Run District*)**  
**Ike Broaddus, Vice Chairman (*Scott District*)**  
**Don Huffman (*Lee District*)**  
**Doug Larson (*Center District*)**  
**Patricia Ewing (*Marshall District*)**

**For more information on the Fauquier County PDR Program,  
please contact the Agricultural Development Office**

**Ray Pickering, Agricultural Development Director**  
**Sherri Gabardy, PDR Associate**

**35 Culpeper Street**  
**Warrenton, Virginia 20186**  
**(540) 349-5314 (phone)**  
**(540) 349-8938 (fax)**  
**[www.fauquierag.com](http://www.fauquierag.com)**

# Fauquier County Purchase of Development Rights Program

**“A tool for preserving and enhancing the agricultural industry”**



RESOLUTION

A RESOLUTION TO APPROVE FUNDING FOR THE PURCHASE OF DEVELOPMENT RIGHTS OF QUALIFYING FIFTH AND SIXTH ROUND APPLICANTS TO THE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

WHEREAS, on February 19, 2002, the Fauquier County Board of Supervisors adopted the Purchase of Development Rights (PDR) Program to acquire conservation easements for the purpose of protecting agriculture, providing open space, and ameliorating the impact of development on the County, and authorizing payment of \$20,000 per development right; and

WHEREAS, on October 13, 2005, the Fauquier County Board of Supervisors approved an increase of \$10,000 in the payment per development right to total \$30,000 per development right in the Purchase of Development Rights (PDR) Program; and

WHEREAS, the Fauquier County Board of Supervisors created the PDR Committee to assist the Board of Supervisors in selecting qualified farm properties for preservation; and

WHEREAS, on March 6, 2007 and March 13, 2007, the PDR Committee visited and ranked the farms in accordance with the adopted PDR application scoring system and on April 4, 2007, the PDR Committee voted unanimously to recommend Purchase of Development Rights on all four properties; and

WHEREAS, on April 4, 2007, the PDR Committee also reviewed the total number of development rights available for sale on the Cynthia Brickley farm, which had previously been approved for purchase by the Board of Supervisors on December 14, 2006; and

WHEREAS, the PDR Committee concurred with the County Attorney and County Administrator that the consolidation of parcels on the Cynthia Brickley farm results in one additional development right for purchase; and

WHEREAS, the PDR Committee highly recommends that the Board of Supervisors approve funding for the Purchase of Development Rights easements, representing a total of 47 development rights on five farms; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of May 2007, That the County Administrator be, and is hereby, authorized to negotiate and execute the purchases of the following eligible development rights as recommended by the PDR Committee:

<b>Applicant</b>	<b>Acres</b>	<b>Parcels</b>	<b>Development Rights</b>	<b>Cost</b>
David E. Burton	248	8	21	\$630,000
John Nissley	230	2	11	\$330,000
Frank Ott	129	1	7	\$210,000
R. Wayne Arrington	134.91	1	7	\$210,000

Cynthia M. Brickley	72.96	2	1	\$30,000
<b>TOTALS</b>	<b>814.87</b>	<b>14</b>	<b>47</b>	<b>\$1,410,000</b>



*A Copy Teste*

*Paul S. McCulla  
Clerk to the Board of Supervisors*

Good morning, my name is Mary Bethany Vidaver  
& I am the legislative Ass't to Loudoun County  
Supervisor Tom Burton. I am here this morning  
representing Supervisor Burton & other members  
of the Loudoun County Board of Supervisors, who  
are having their <sup>regular</sup> business meeting this morning.

In October 2006 the Loudoun Cty Board  
of Supervisors in a rare 9-0 vote unanimously  
passed a resolution opposing NIE TC designation.

At that time a letter was sent to Secretary of Energy  
Bodman making the following requests ~~before making any~~ <sup>designation</sup>  
- that the DOE consult w/ the affected counties  
~~before any designation was made~~ including Loudoun  
- that the DOE undertake a full programmatic EIS  
~~before any designation~~

Ab yet, we have received no response to that letter.  
This morning, I have a second letter signed by Loudoun  
County Board Chairman Scott York, which reads <sup>in part</sup> ~~as follows~~

I will submit both letters into the written record as well as  
a copy of the Board's resolution. Thank you for this  
opportunity to comment; the Loudoun Cty BOS  
~~remains opposed to NIE TC~~ continues to  
eagerly await ~~an opportunity to meet with the decision~~  
~~makes other important~~ <sup>a</sup> response to  
their earlier requests.



## Loudoun County, Virginia

[www.loudoun.gov](http://www.loudoun.gov)

### Board of Supervisors

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000 MS 1  
Telephone (703) 777-0204 • Fax (703) 777-0421 • email: [bos@loudoun.gov](mailto:bos@loudoun.gov)

May 10, 2007

The Honorable Samuel Brodman  
Secretary of Energy  
United States Department of Energy  
100 Independence Avenue, SW  
Washington, D.C. 20585

Dear Secretary Brodman,

We were recently made aware of public hearings being held to potentially designate National Interest Electrical Transmission Corridors (NIETC) throughout much of the Mid-Atlantic States. Only one public hearing is scheduled for Virginia on May 15<sup>th</sup> in Arlington. This one hearing, in a largely unaffected locality, is insufficient to adequately hear the anger and frustration of the hundreds of thousands of Virginians who will be affected by designating national interest corridors without clear regard of all the ramifications of this action.

Loudoun County shares the concerns of all in the Commonwealth of Virginia who would be affected by these designated corridors. Potential NEITC designation could unravel years of carefully developed local zoning and land use practices. A national designation could in fact be seen as being undemocratic as it would strip local and state decision-making authority from us and hand it to un-elected, profit-driven corporations who would then have the ability to circumvent our master plans and local zoning requirements.

This designation is also disturbing in that the primary effort is not focused on enforcing air quality standards nor using other efficiency maximizing technologies such as demand-side management programs and integration of demand response technologies. We need to first deliver the message to our citizens that electric power is to be used wisely and efficiently rather than disrupt many thousands of lives for the sake of easier decision making for power companies.

The designation of any part of Virginia as a National Interest Electric Transmission Corridor is not in the best interest of the residents of Loudoun County.

Sincerely,

Scott K. York  
Chairman



# Loudoun County, Virginia

www.loudoun.gov

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## Board of Supervisors

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000  
703/777-0204 • Fax: 703/777-0421 • email: bos@loudoun.gov

October 4, 2006

The Honorable Samuel W. Bodman  
Secretary of Energy  
1000 Independence Avenue, S. W.  
Washington, D.C. 20585-0001

Dear Secretary Bodman:

On October 3, 2006 the Board of Supervisors of Loudoun County unanimously passed a resolution opposing the designation of a NIETC through any part of the Commonwealth of Virginia as being premature. In particular, we are concerned about the proposal to designate a 240-mile, 500-kilovolt transmission line from southwestern Pennsylvania to Lenah, Virginia by PJM Interconnection Board as a NIETC.

We request that the US Dept of Energy (DOE) consult with the Commonwealth of Virginia, and the affected Counties of Loudoun, Clarke, Fauquier, Warren and Frederick prior to any designation of an NIETC through the Commonwealth of Virginia.

In addition we request that the DOE undertake a full programmactic EIS prior to any designation of an NIETC through the Commonwealth of Virginia.

The Loudoun County Board of Supervisors requests that the DOE conduct a full study of alternatives to ameliorate the line congestion described in the Study with genuine opportunity for public participation and comment prior to any designation.

Please make this part of the public record.

Sincerely,

Scott K. York, Chairman.  
Loudoun County Board of Supervisors





Loudoun County, Virginia

www.loudoun.gov

Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Tuesday, October 3, 2006 at 9:30 a.m.

PRESENT: Scott K. York, Chairman  
Bruce E. Tulloch, Vice Chairman  
James G. Burton  
James E. Clem  
Eugene A. Delgaudio  
Sally Kurtz  
Stephen J. Snow  
Mick Staton Jr.  
Lori L. Waters

IN RE: OPPOSITION TO THE DESIGNATION OF A NATIONAL INTEREST  
ELECTRIC TRANSMISSION CORRIDOR

Mr. Delgaudio moved that the Board of Supervisors approve the Resolution of Opposition to the Designation of a National Interest Electric Transmission Corridor as Proposed by PJM Interconnection, Allegheny Energy, and Dominion Virginia Power.

Seconded by Mr. Clem.

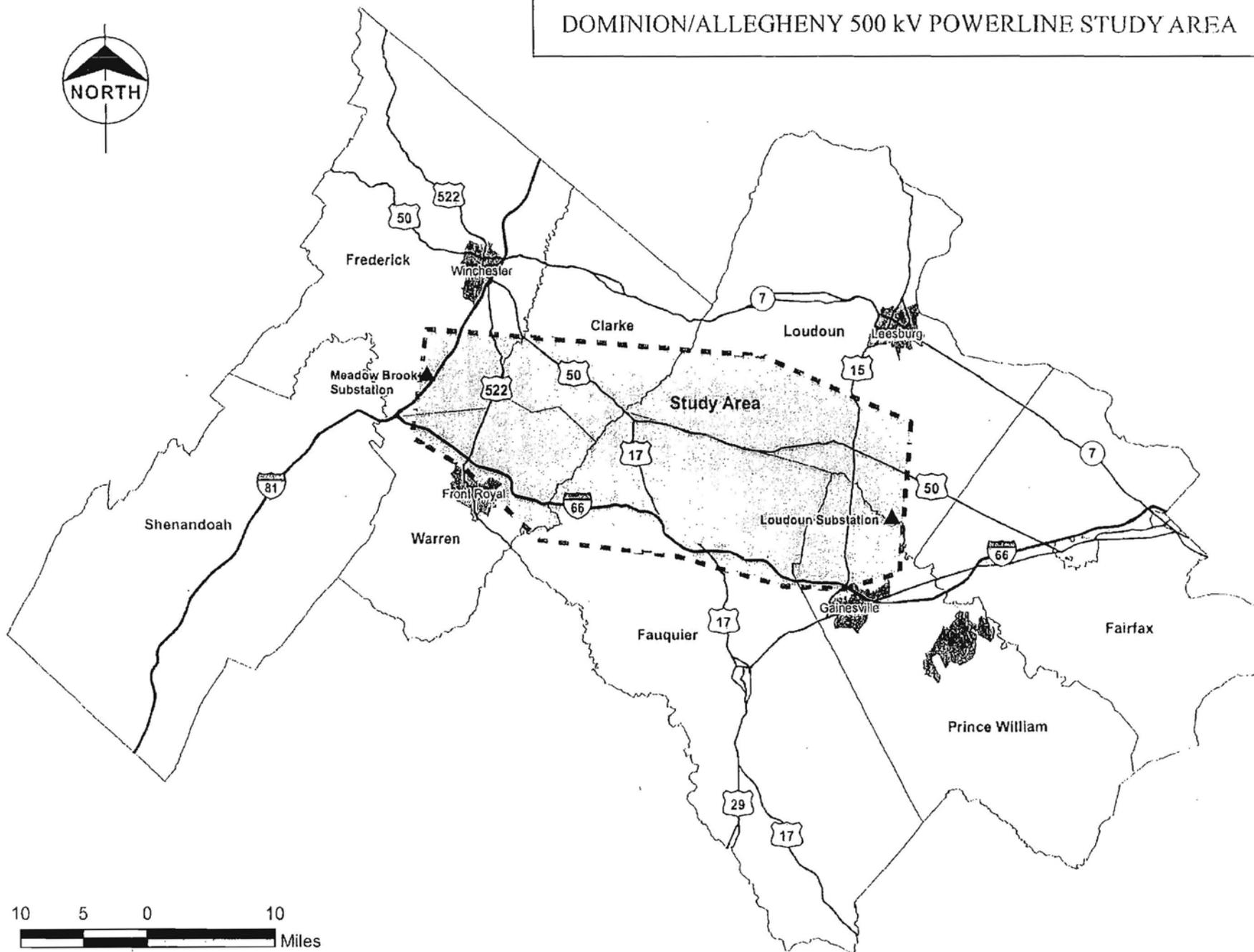
Voting on the Motion: Supervisors Burton, Clem, Delgaudio, Kurtz, Staton, Tulloch, and Waters  
- Yes; None – No; Supervisors Snow and York absent for the vote.

COPY TESTE:

DEPUTY CLERK FOR THE LOUDOUN  
COUNTY BOARD OF SUPERVISORS

D:\my documents\2006 copyteste\10-03-06bos-18-opposition to designation of electric transmission corridor

DOMINION/ALLEGHENY 500 kV POWERLINE STUDY AREA



COMMONWEALTH OF VIRGINIA  
**COUNTY OF LOUDOUN**  
BOARD OF SUPERVISORS



*Resolution of Opposition*  
**To the Designation of a National Interest Electric  
Transmission Corridor as Proposed by PJM  
Interconnection, Allegheny Energy, and Dominion  
Virginia Power**

**WHEREAS, the County of Loudoun welcomes the opportunity to be an active participant in a process of significant influence to the County's character and well-being, as well as that of the surrounding area and of the Commonwealth of Virginia; and**

**WHEREAS, Allegheny Energy (Allegheny) and Dominion Virginia Power (DVP) have proposed a 240-mile 500-kV transmission power line project (the Power Line) to be built between Allegheny's Prexy Substation in southwestern Pennsylvania and DVP's Loudoun Substation in southeastern Loudoun County; and**

**WHEREAS, Loudoun County is a major part of the "study area" through which DVP proposes to construct its portion of the Power Line; and**

**WHEREAS, the construction of the Power Line through Loudoun County would have a devastating impact on the County's property tax base, on the health, safety and welfare of both its rural and suburban residents, and on its efforts to preserve its rural landscape and historic sites; and**

**WHEREAS, PJM Interconnection (PJM), a Regional Transmission Organization (RTO) of which Allegheny and DVP are members, has requested that the United States Department of**

**Energy (DOE) designate the area through which the Power Line is proposed as a National Interest Electric Transmission Corridor (NIETC); and**

**WHEREAS, The National Environmental Policy Act mandates that an environmental impact statement (EIS) be prepared in advance of undertaking a “major federal action significantly affecting the human environment so that alternatives to the action can be understood and evaluated;” and**

**WHEREAS, A programmatic EIS is being conducted for transmission corridors proposed for eleven western states, but no such study has been undertaken or is scheduled to be undertaken for the transmission corridor proposed through Loudoun County; and**

**WHEREAS, Section 21.6 of the Federal Power Act stipulates that the Secretary of Energy consult with affected states in conducting a study of electric transmission congestion prior to the designation of NIETC’s; and**

**WHEREAS, to our knowledge, such a consultation has not occurred;**

**NOW, THEREFORE**

**BE IT RESOLVED that the Loudoun County Board of Supervisors opposes the designation of a NIETC through any part of the Commonwealth of Virginia as being premature; and**

**BE IT FURTHER RESOLVED, that the Loudoun County Board of Supervisors requests the US Department of Energy to consult with the Commonwealth of Virginia and the affected Counties of Loudoun, Clarke, Fauquier, Warren, and Frederick prior to any designation of an NIETC through the Commonwealth of Virginia; and**

**BE IT FURTHER RESOLVED, that the Loudoun County Board of Supervisors undertake a full programmatic EIS prior to any designation of an NIETC through the Commonwealth of Virginia; and**

**BE IT FURTHER RESOLVED, that the Loudoun County Board of Supervisors requests that the US Department of Energy insist on a full study of alternatives to ameliorate the line congestion described in the Study with genuine opportunity for public participation and comment prior to the designation of any NIETC; and**

**BE IT FURTHER RESOLVED, that the Loudoun County Board of Supervisors requests that DVP, Allegheny, and PJM immediately make available any and all documentation showing the necessity for the Power Line and a full description of the alternatives that have been considered; and**

**BE IT FURTHER RESOLVED, that the Loudoun County Board of Supervisors respectfully requests that the Honorable Timothy K. Kaine, Governor of Virginia and the Honorable Robert F. McDonnell, Virginia Attorney General, to join with the County of Loudoun to protect its tax base, its history, its landscape, and the health, safety and welfare of its citizens.**

\_\_\_\_\_  
**Scott K. York, Chairman**

\_\_\_\_\_  
**Bruce E. Tulloch, Vice Chairman**

\_\_\_\_\_  
**James G. Burton**

\_\_\_\_\_  
**James E. Clem**

\_\_\_\_\_  
**Eugene A. Delgaudio**

\_\_\_\_\_  
**Sally R. Kurtz**

\_\_\_\_\_  
**Stephen S. Snow**

\_\_\_\_\_  
**D. M. Staton, Jr.**

\_\_\_\_\_  
**Lori L. Waters**

\_\_\_\_\_  
**Kirby M. Bowers, County Administrator**

Linda Burchfiel  
McLean, VA  
larva@attglobal.net

We don't need these 8 new transmission lines, & we certainly don't need any new coal-fired power plants

But Dominion says we do.

Utilities will do all they can to encourage demand, because that's how they make their profit.

That's the way the system is currently set up —

Power company profit is tied to consumption, & the more we waste, the more they make.

We need to decouple this tie, & some states already have. These states have a forward-looking energy policy, so that everyone benefits from increased efficiency — consumers, the power companies, & the environment.

It is 2007, & we have learned how destructive our wasteful energy policy is, AT ALL STAGES.

<sup>71-V</sup> extraction, with mountain top removal & strip mining, the transportation, the generation, with noxious gases, mercury poisoning, & CO<sub>2</sub> emissions.

We need a responsible ~~energy~~ energy policy that decouples utility ~~profit~~ profit from increased consumption, & one that relies on increased efficiency & renewable resources.



# enlighten

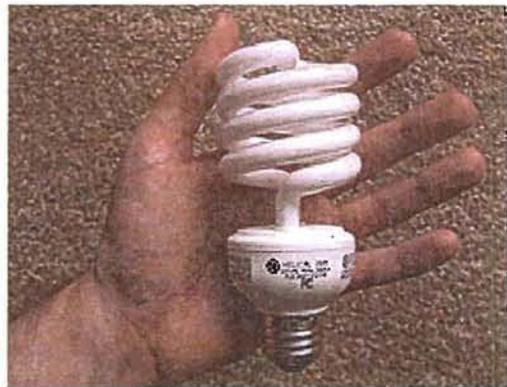
enlightenVA.org

**Did you know that a compact fluorescent light bulb (CFL) uses 75% less energy than a standard light bulb?**

If you change **6 bulbs**, you will save about \$270 in energy costs, \$45 apiece

If you change **12 bulbs**, you will reduce as much greenhouse gas pollution as an acre of forest absorbs in one year

If you change **18 bulbs**, you do as much good as if you'd completely stopped driving for a year.



And when you participate in the Piedmont Environmental Council's *Enlighten* campaign, you can do even more. **Take one minute to visit [www.enlightenva.org](http://www.enlightenva.org) and tell us how many bulbs you're changing.**

PEC is using the total number of changed bulbs to convince decision makers that Virginians are ready for positive energy strategies. **Registering your bulbs with *Enlighten* is like a vote for energy policies that include strong conservation efforts—rather than new major power lines or power plants in Virginia.**

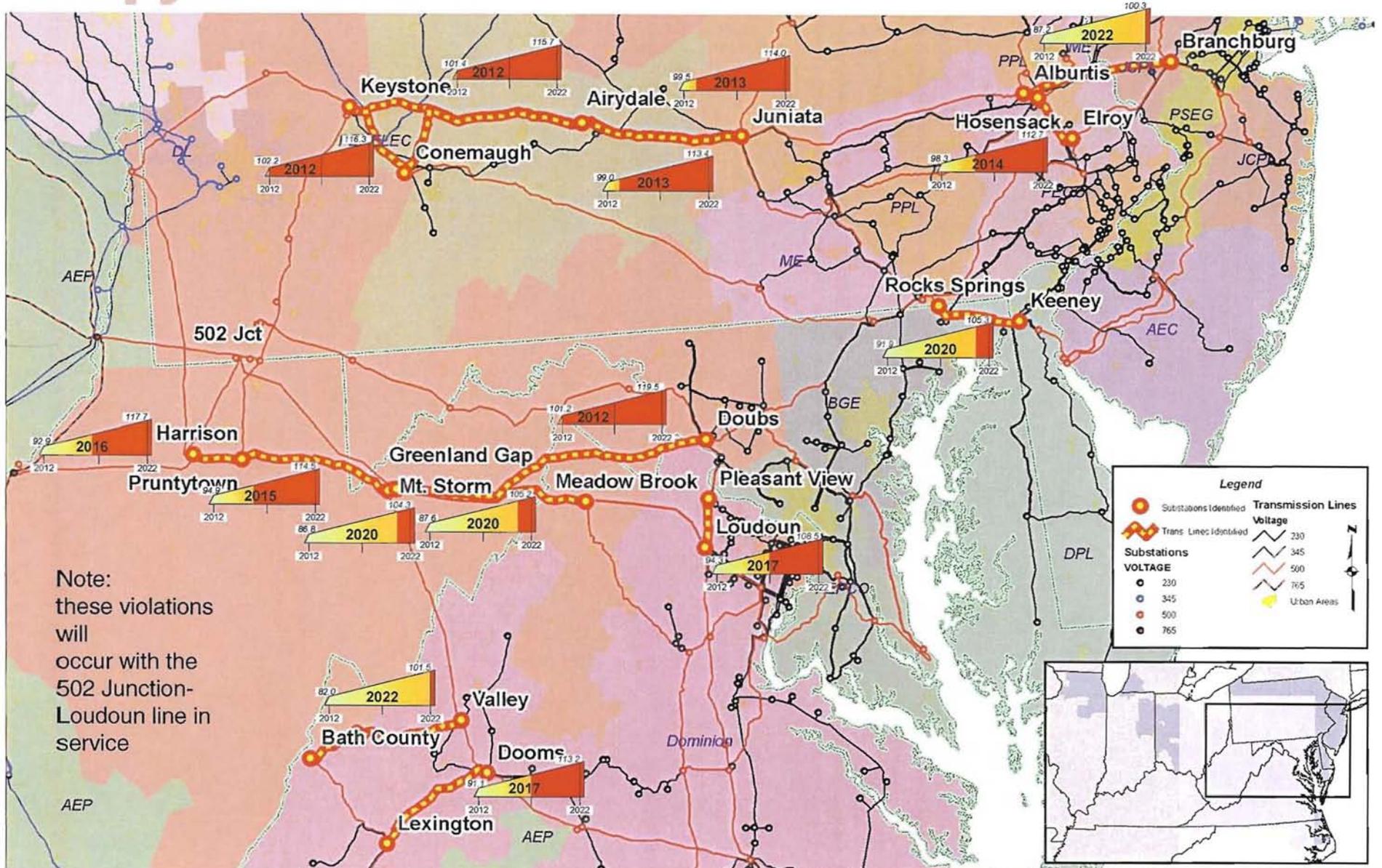
## [www.enlightenva.org](http://www.enlightenva.org)

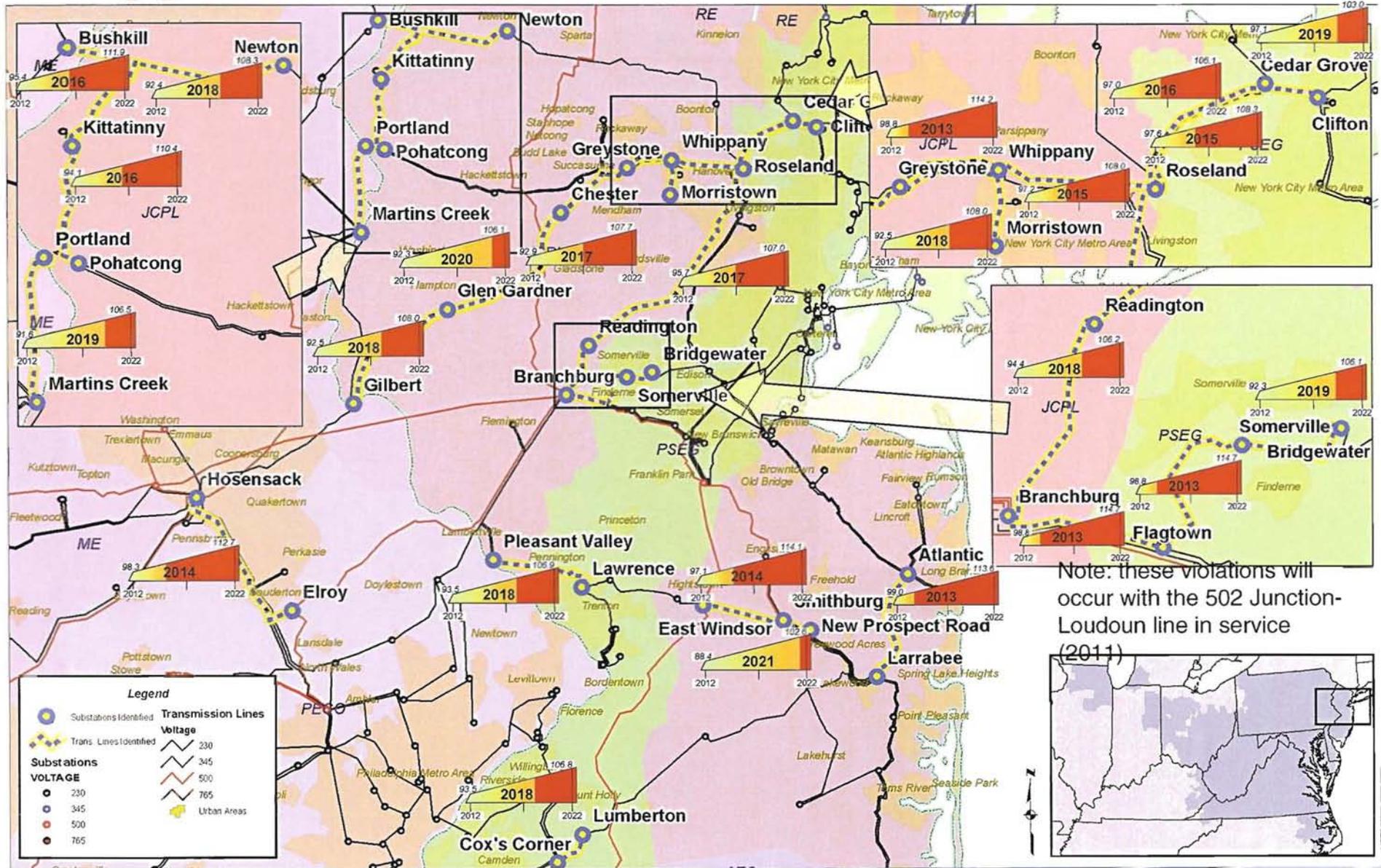


CFLs contain a tiny amount of mercury so it is important to recycle them. The bulbs reduce mercury pollution by cutting down emissions from power plants—but large numbers of CFLs in a landfill could pose environmental and health risks. The bulbs last about seven years, but when they do burn out please look for a CFL recycling program.

**Sign up for PEC Action Alerts:** PEC is playing a major role in attempts to reform Virginia's energy policy. We also lead one of the most successful land conservation movements in America and help citizens work for smarter patterns of growth. Be a part of it: [www.pecva.org](http://www.pecva.org)







Note: these violations will occur with the 502 Junction-Loudoun line in service (2011)

**Statement of Congressman Tom Davis**  
**Department of Energy Public Meeting Comments on NIETC Draft Designations**  
**May 15, 2007**

I am here today to raise serious concerns about DOE's designation of draft National Interest Electric Transmission Corridors.

Last summer, DOE designated two Critical Congestion Areas which included the Atlantic Coast area from metropolitan New York southward to Northern Virginia and Southern California. Based on this finding DOE recently designated draft "National Interest Electric Transmission Corridors."

Utility companies in NEIT Corridors may apply to FERC, which now has so-called "back-stop" authority, to approve new transmission lines if the state process fails for a number of reasons.

My concerns about this process spring from three sources:  
1. Federalism/ State autonomy issues, 2. the mindset with which we approach energy management challenges and 3. adequate time for public comment.

With respect to state autonomy, states have been in charge of the approval process for new transmission lines from the beginning.

State statutes are set up to balance the interests of their citizens who are equally consumers of energy, land owners, and consumers of the environment.

For example, in my home state, when the Virginia State Corporation Commission reviews an application for a new transmission line, they are bound to consider not just need, but also whether the new transmission line will minimize adverse impacts on the scenic assets, historic districts, and the environment of the affected area.

If a utility applies to FERC, will these issues be given due consideration? I am not convinced that they will.

*The statute doesn't mandate it.*

That's why I'm a cosponsor of H.R. 829, the National Interest Electric Transmission Corridor Clarification Act which would require that consideration be given to protected lands, adjacent landowners and protect decisions made by state utility commissions.

With respect to managing the challenges associated with energy generation and distribution, the U.S. Department of Energy states there are three elements involved in solving grid congestion- A.) transmission lines, B.) new generation, and C.) demand-side management. Clearly, there is not one single solution to our nation's energy problems.

New transmission lines are not a silver bullet. In fact, before DOE released their "National Electric Transmission Congestion Study" they released a study on the benefits of "Demand Response in Electricity Markets and

Recommendations for Achieving Them.” As the title suggests, this study evaluated the benefits of investing in demand side management.

Demand side management refers to the management of consumer demand in response to supply conditions. For example, demand side management solutions work with electricity customers to reduce their consumption at critical times or in response to market prices.

Customers would then shed loads in response to a request by a utility or market price conditions. Under conditions of tight electricity supply, demand response can significantly reduce the peak price and, in general, electricity price volatility. In fact the state of California effectively used demand side mechanisms to cope with last summers’ heat wave.

The bottom line is that sound energy policy is, and should continue to be, a significant priority of both the States and the Federal Government.

Reliable and affordable energy is a key component of economic development. However, opportunities for innovation and conservation cannot be ignored.

It is appropriate to require that solutions, such as demand side management and conservation be part of the package of alternatives considered when planning for expected energy needs.

If approved, these designations will be in place for 12 years—a very significant period of time. It is incumbent upon the Federal Government to ensure that adequate consultation with affected states, communities and landowners has occurred.

This is why I joined Congressman Wolf and over ~~30~~ 40 Members of Congress in signing a letter to Secretary Bodman asking that the comment period be extended and that public meetings be held in every affected congressional district.

In conclusion, I believe the Federal Government should not needlessly usurp the longstanding authority and role of the states on this issue and that all resolutions to grid congestion should be explored, not simply new transmission.

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N E W S R E L E A S E

# FRANK R. WOLF

Member of Congress  10th District, Virginia



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United States House of Representatives, Washington, D.C. 20515  
Phone (202) 225-5136 • Fax (202) 225-0437 • Web site: [www.house.gov/wolf/](http://www.house.gov/wolf/)

For Immediate Release  
May 15, 2007

Contact: Dan Scandling  
(202) 225-5136

## **WOLF TELLS DOE THAT STATES AND LOCALITIES MUST HAVE SAY IN DESIGNATING POWER LINE CORRIDORS**

*Announces Letter Signed by 40-plus Members of Congress Requesting More Public Meetings*

Arlington, VA – Rep. Frank Wolf (R-10th) today told the Department of Energy that states and localities must have a say in the process of designating huge corridors for massive transmission power lines.

Speaking at a DOE public meeting in Crystal City, Wolf announced that he was sending a letter to DOE Secretary Samuel Bodman signed by more than 40 Members of Congress requesting that DOE hold meetings in every congressional district impacted by the proposed designations. The letter also requests that the comment period be extended by at least 30 days.

“The states and localities impacted by these proposed designations need to have a say in the process,” Wolf said. “We can’t have huge transmission power lines cutting through existing neighborhoods or over huge swaths of open space, especially over historically significant land, and deny local communities the opportunity to weigh in.”

Wolf also said he was disappointed that DOE did not take into account legislation he introduced in February along with Rep. Tom Davis (R-11th) aimed at providing guidance in developing the proposed national interest electric transmission corridors.

Below is the complete text of Wolf’s remarks:

*“Good afternoon. I appreciate your allowing me to speak today.*

*“This is an extremely important issue and one that should be thoroughly vetted, particularly when you consider the magnitude of the areas being considered for these transmission corridors.*

*“The Mid-Atlantic designation alone stretches across eight states and the District of*

-MORE-

*Columbia, encompassing more than 100,000 square miles and a population of almost 50 million people. Yet no environmental impact study has been conducted. No consideration of alternatives to building transmission facilities has been given. No adequate consultation with affected states, communities and landowners has taken place. And, if approved, this designation would be in place for 12 years.*

*"This IS a major federal action which requires a environmental impact statement.*

*"The states and localities impacted by these proposed designations need to have a say in the process. We can't have huge transmission power lines cutting through existing neighborhoods or over huge swaths of open space, especially over historically significant land, and deny local communities the opportunity to weigh in.*

*"In Virginia alone, the historical significance of some of the land that would fall under the designation is unparalleled. It is the land that George Washington surveyed, inspired Thomas Jefferson and was walked by James Monroe. In Maryland and Pennsylvania, the Civil War battlefields of Antietam and Gettysburg lie within the designated corridor. In New York, proposed lines could go along the Upper Delaware Scenic River Basin, a habitat and scenic treasure that many have worked to protect.*

*"Today I am sending a letter to Secretary Bodman signed by more than 40 members of Congress – including my two Senators, John Warner and Jim Webb – asking that public meetings be held in every congressional district impacted by these designations and that the comment period be extended by at least 30 days.*

*"The federal government should not just run roughshod over these communities. It's not right.*

*"Earlier this year I, along with my good friend and colleague Tom Davis, introduced H.R. 829, the National Interest Electric Transmission Corridor Clarification Act, to help provide some guidance in developing these corridors. I was hoping DOE would take into consideration the spirit of the proposed legislation in coming up with these designations while it worked its way through Congress. Sadly, it didn't.*

*"While I fully recognize that our power supplies must be adequate and reliable, I am concerned that these "national interest" designations will permit utility companies to continue to ignore the need for smart grid technology, superconductor wires and cleaner energy generation. I also believe they will thwart attempts by states, local governments and regulatory commissions to operate under a comprehensive energy plan. Moreover, state regulatory authorities will loose any leverage they have over utility companies to promote smart energy usage.*

*"Again, I understand the need for reliable power, but ALL avenues must be explored as this process goes forward, and more than just what is best for a company's bottom line must be considered. Thank you."*

**Congress of the United States**  
**Washington, DC 20515**

May 15, 2007

The Honorable Samuel Bodman  
Secretary, Department of Energy  
1000 Independence Ave SW  
Washington DC 20585

Dear Secretary Bodman:

We write today to express our concerns about the proposed schedule of the public comment meetings with respect to the recently issued draft National Interest Electric Transmission Corridors pursuant to Section 1221 of the Energy Policy Act of 2005. The draft Mid-Atlantic corridors alone affect the homes of almost 50 million Americans and over 116,627 square miles. The Department of Energy's intent was to hold just three public meetings, now there are seven, but this is still unacceptable.

Federal action of this magnitude absolutely must allow adequate input by interested homeowners, community groups, utilities commissions and government officials at all levels. Holding just seven public meetings in the middle of the work week simply does not accommodate the rights of American citizens to have their voice heard by federal officials.

Our constituents will be directly affected by this federal decision. Yet some would be required to drive up to 6 hours to attend a hearing being held in the middle of the week with only two weeks notice.

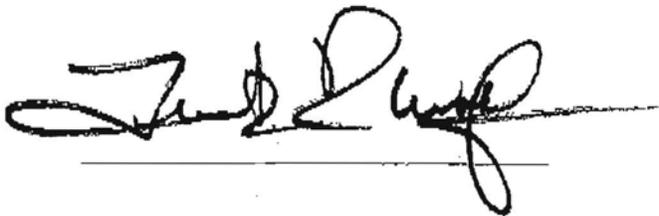
As the members of Congress representing the affected constituents, we feel the Department of Energy should hold a public meeting in every congressional district during evening hours when our constituents will be able to attend. Our constituents must have a full and adequate opportunity to be heard.

Due to the constricted time frame of the comment period, we urge you to extend the comment period for at least an additional 30 days to allow the department to conduct an adequate number of public meetings. Additionally, notice of these public meetings should be published in the newspaper of record in each affected county at least two weeks prior to the meeting date.

Thank you for taking steps to assure that the voices of our constituents will be heard.

Best wishes.

Sincerely,



**National Interest Electric Transmission Corridor Designations  
U.S. Department of Energy Public Meeting  
Arlington, Virginia  
Christopher Zimmerman, Board Member, Arlington County  
May 15, 2007**

Good Afternoon. My name is Chris Zimmerman. I am a member of the Arlington County Board, and I am speaking today on behalf of Chairman Paul Ferguson and the Board. Welcome to Arlington, and thank you for holding this hearing.

We appreciate this opportunity to comment on the *Draft National Interest Electric Transmission Corridors* announced on April 27, 2007. Our Board, on behalf of our citizens, understands and appreciates the importance of a reliable electricity grid to our economic prosperity and security, both within our own locality and in the broader region of which we are part.

We are deeply troubled by the Department's interpretation of the statute authorizing the Department to perform these studies and designate such corridors, preempting important rights of the citizens of this state and our community. The two draft NIETC designations would allow the federal government to usurp state authority for siting electric transmission lines and could force the development of power line projects in cases where states have denied them based on the public's best interest or lack of need. A NIETC designation would also allow the Federal Energy Regulatory Commission to permit private corporations to use federal eminent domain powers to seize private property from unwilling sellers in order to develop those power lines. The two NIETC designation proposals are the first of their kind from the Department. We are apprehensive about federal intervention in siting such facilities at the expense of the rights of local citizens and to the detriment of communities working to balance electricity reliability with the protection of significant natural, historical, cultural and recreational assets.

We are opposed to any federal action which bypasses our state review process, because it will undermine state decisions on land use policy and the state's ability to determine and implement a comprehensive energy policy. It clearly violates the White House Executive

Order on Federalism. Moreover, we are concerned that such a preemption could mean the potential loss of crucial historic and recreational lands without any equal protection for the rights of our affected communities. In Virginia, Dominion Virginia Power is proposing to use a NIETC designation to build 550-kilovolt power lines through parts of Frederick, Warren, Fauquier and Prince William counties before ending in southern Loudoun County. The power line would cut through historic areas, including Antietam National Battlefield, Monocacy National Battlefield and Gettysburg National Military Park. As Congressman Frank Wolf ably put it: “States and *localities* need to have a say in the placement of power lines. You can’t just run roughshod through communities and open space.”

This new authority essentially provides FERC with the ability to usurp the states’ historical power to review and permit transmission lines and runs counter to the many proactive measures being taken by individual communities to incorporate demand response, energy efficiency, and distributed generation, including from renewable energy sources, into their state energy plans. Energy use in Arlington County facilities dropped 6 percent between 2000 and 2005, and, this year, under our new Arlington Initiatives to Reduce Emissions—Fresh AIRE, we have adopted an action plan to increase wind-generated electricity from 3 to 5 percent of our overall consumption, install solar energy technology on our county facilities, and work with our corporate and citizen partners to achieve comprehensive traditional electric energy demand and consumption. So while we are aggressively moving in a direction to reduce reliance on transmission lines, this proposed federal action would countermand our state’s ability to even require transmission facility applicants to consider alternatives and mitigation measures to protect local communities or better serve electricity reliability.

The designation of NIETCs by the DOE directly threatens many of our state’s most important natural and historic resources, many of which have existing federal designations and protections. An electric transmission line proposal in northern Virginia proposes the erection of 150-foot towers through one of our nation’s most historic landscapes, including the Shenandoah Valley Battlefields National Historic District.

Another 550-mile electricity transmission facility proposal could have serious visual impacts on prominent Civil War battlefields, including Antietam National Battlefield, Monocacy National Battlefield, and Gettysburg National Military Park.

On your Frequently Asked Questions page, you assert,

“...there is no need for DOE to undertake a comparative analysis of transmission and non-transmission solutions. Indeed, DOE believes that expanding its role to include making findings on the optimal remedy for congestion could supplant or otherwise duplicate the roles of states and other entities.”<sup>1</sup>

That is, you have it right. Nevertheless, the Department appears to be proceeding to direct the Federal Energy Regulatory Commission (FERC) to supercede existing state authority on transmission siting and permitting,

“This would mean if an applicant does not receive approval from a State to site a proposed new transmission project within a National Corridor, the FERC may consider whether to issue a permit and to authorize construction.”<sup>2</sup>

The Department is therefore acknowledging the important role and viewpoint of states with regard to the optimal remedies, but then is willing to disregard those viewpoints and decisions if states decide the optimal solution is not additional transmission lines. This inconsistency (doublespeak) is troubling.

We are disappointed that the issuance of two draft National Interest Electric Transmission Corridors this year is hasty, in light of the material on which the DOE’s 2006 National Electric Transmission Congestion Study was written:

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<sup>1</sup> Question 1, at <http://nietc.anl.gov/faq/index.cfm>.  
<sup>2</sup> <http://nietc.anl.gov/documents/docs/press-release-04-26-07.pdf>

In preparing the material for the Congestion Study, DOE's consultant, CRA International, compiled a Review of Eastern Congestion Studies and Expansion Plans on March 15, 2006. Of the ten regional transmission load studies examined, seven did not compare non-transmission alternatives (such as demand management and energy efficiency) with transmission alternatives, and scant details are available on the three studies that did.

In addition, key modeling assumptions for the Eastern Interconnection region included various prices for oil and natural gas and additional wind generation in the Midwest, but not energy efficiency or demand management. The Western Interconnection modeling assumptions included continued high efficiency and demand management. In light of growing local, state, and national activity surrounding climate change, we believe improving energy efficiency and demand management in the high load regions of the country will continue to gain momentum, and the delivery of dirty power from regions with excess supply will wane in popularity.

We oppose any heavy-handed intervention of the federal government in siting such facilities at the expense of the rights of local citizens and to the detriment of communities working to balance electricity reliability with the protection of significant natural, historical, cultural and recreational assets. We believe our communities and state are the most appropriate bodies to determine the appropriateness of and public need for electricity transmission proposals in their jurisdictions. In summary, the implementation of NIETC designations under Section 1221 will put in place a dangerous framework that limits the ability of states and communities to balance electricity reliability with other critical state priorities in a comprehensive manner.

Consequently, we respectfully request that you support the rights and interests of states and local communities by inserting a funding limitation in your mark to halt the implementation of this program before it adversely impacts irreplaceable national and state assets and leads to anticipated legal battles between states and local property owners and the federal government.

Again, we appreciate your coming to Arlington to listen to our concerns, and we urge you to act in the best interests of our public.



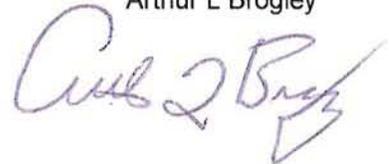
Dept of Energy  
Washington, DC. 20585

I am opposed to the federal government designating NIETC and taking away the rights of the

the individual states to control the building and routing of electric transmission lines. The lack of adequate electricity generation on the east coast is a result of those in this area not addressing this growing problem in a timely fashion. I understand that power plants in this area are being shut down because they are too dirty and can't meet the stringent air quality regulations presently in place, however no plans are in place to address the future needs of electricity for a growing population. Because of this, it appears that there is a misguided plan to tap into the excess generation capacity of the electricity generation facilities in southwestern Pa. by running huge, long distance, and expensive powerlines from our area to the east coast. The problem is that this power will be generated by dirty, old, (30-40 years old) coal-fired facilities. Pittsburgh was just recently rated the 2nd dirtiest city in the nation. A majority of our pollution comes from these dirty powerplants. Pushing the output of these plants to meet the needs of those outside our state will only increase our pollution problem.

A discussion on "What's wrong with the electric grid" by Eric J Lerner shows how deregulation has created most of the current problems within the system. Go to [stopthetowers.org](http://stopthetowers.org) and click on expert opinion. I quote "In 1998, former utility executive John Casazza predicted that black-out risks will be increased" if plans for deregulating electric power went ahead." He explains that prior to deregulation, a single company controlled generating and distribution within a given geographical area and created a reliable system. Trying to move electricity over long distances is inefficient, expensive, and creates reliability problems. When a power company is motivated by profits, their goal is to make as much money as possible by moving the power to an area where the most money can be made. Other customers in the grid suffer. Mr. Lerner says the key error in the new rules was to view electricity as a commodity rather than an essential service. The correct solution is to build generation facilities close to the need. The argument that building these huge, long, expensive powerlines to strengthen our grid system in the name of homeland security doesn't hold water. If the Pittsburgh area becomes the hub of electric generation lines radiating in all directions, it becomes the perfect target for wiping out power on the east coast. Also, since the cost of constructing these powerlines will be passed on to the ratepayers (customers), the argument that deregulation will save them money

Arthur L Brogley



Mr. Arthur Brogley  
28 Letherman Bridge Rd.  
Scenery Hill, PA 15360

For the Department of Energy Public Hearing Tuesday 15 May 2007

When the transmission of electricity was first becoming reality the discussion was should this be a public right? should this be a government project? should this be a business? I refer you to Jeff Goodall's book entitled Big Coal.

Guess who won? Business. For years people marvelled at the utility lines as national progress. However in the 21<sup>st</sup> Century we don't look at electricity transmission lines or the sources from which electricity may be generated the same.

We now do not want to contribute to the union  
and conservation of our resources  
and incentives for using less electricity. We want  
security that utilities are not using up our water,  
polluting our air, or taking our public or private properties.  
We must ask that we rethink the utility industry  
and its place in a modern and "Green" America.

Julie Crinkaw Van Fleet Alexandria, VA

Lee Schroeder

10401 Grosvenor Pl. #1006

N. Bethesda, MD, 20852

To all the people who think that Civil War Battlefields need to be disturbed whether paved over for wider roads or a tall steel tower for power lines. I have only 2 words to say-- forget it!

These lands are part of the countries history. Do people think that they can erase that part of our history By plowing over it? These lands (Civil War Battlefields) need to be preserved for all generations. The Mid-Atlantic area has many civil war sites and that is what makes the area unique and attractive to many people.

Normally, I would say that bad planning by the county & state has occurred, but the federal government has superseded everybody. The big <sup>projected</sup> growth in the county was decided by a federal official sitting in a cubicle and does not realize the consequences of the decision.

If a steel tower is built on the land, what happens when some of the dead bodies and soldiers skulls are unearthed? Where is the respect for the dead? Of less importance, is what happens when someone commits a federal offense by pocketing civil war artifacts? (a confederate belt buckle is valued from \$2000 to \$8000 and a confederate button is valued from \$200 to \$500). Make no mistake soldiers bodies and their artifacts will be discovered and havoc will break loose.

Lee Schroeder

301-530-757

It sounds like that people need to go back to the drawing board, whoever proposed such a massive influx of people (22,000) in one area, which is a reason why people say the power line is needed. Where is our nations priorities? How many times are we going to sell our soul to the devil? That phrase from "The Flip Wilson Show" the "devil made me do it" is old and doesn't work anymore.

Some brief stats about the 2 battles:

Manassas 1st Campaign was the first land battle of the Civil War. It took place at Manassas Junction, near the creek called Bull Run, from 16 July 1861 - 21 July 1861. Confederates were led by Brig. Generals Pierre Beauregard and Joseph Johnston (picture). The Union was led by Gen McDowell. The South had successful

advance  
had 3,000  
and the s

and. In this  
killed, wounded, captured, or missing)  
ffered 2,000.

Manassas 2nd Campaign was (~~2nd Bull Run~~) was fought from 26 August 1862 - 1 September 1862 and over the same territory as 1st Manassas. Confederate Generals R.E. Lee and James Longstreet clashed w/ Union forces of Major Generals George McClellan and John Pope. Even though the South was outnumbered, they won the battle and the North retreated back to Washington, D.C. The Union lost 42,000 and the Confederates lost 15,200.

TO: U.S. Department of Energy

FROM: John DePerro  
3641 Osborne Drive  
Warrenton, VA 20187

REPRESENTING: Vint Hill Home Owners Association

DATE: May 15, 2007

SUBJECT: NIETC Public Hearing Comments

**WHY ARE WE HERE?**

On 19 April 2007 Dominion Virginia Electric proposed the construction of a 65 mile 500 kilovolt transmission line in Virginia. Within three weeks DOE holds public hearings on the establishment of NIETC. Press reports indicate the 65 miles of transmission line in Virginia is part of the NIETC that is the subject of this hearing.

Section 1221 of the Energy Policy Act of 2005 would appear to give FERC the power to approve transmission lines within designated corridors if 1) there is sufficient demand and 2) the affected state's regulatory agency fail to approve a route.

**DOES SUFFICIENT DEMAND EXIST TO SUPPORT A \$250 MILLION LINE?**

At no time, even after repeated written and "in press" requests, has Dominion produced any study-- of any description-- that validates the company's claim that sufficient demand exists. We have seen no technical engineering studies as to where the new transmission line would accept power from or to where the ultimate destination for the power would be.

Jim Norvelle, a Dominion Democrat said the "DOE could face "rolling Blackouts" if NIETC designation at identifying the need. sman quoted in the February 14,2007 Fauquier Times-ants the line operating by 2011. Without it Northern Virginia according to the company." Surely Dominion is not proposing a ding of 1/4 billion dollars without a technical engineering study

We respectfully ask the DOE to release for public review any such studies provided by the regional coordinating agency, Dominion or any other down stream utilities that identifies the demand patterns compelling the creation of the NIETC.

**WHO IS GOING TO PAY FOR THE LINE?---HOW ABOUT THOSE WHO BENEFIT!**

If the demand studies show that the new line is intended to meet demands mostly outside of Virginia than Virginia ratepayers should not be responsible for the paying for the construction. The re-regulation laws passed in Virginia in April are not yet clear on this issue.

**INCREASE IN DEMAND IS TIED TO THE BUILDING CODES.**

I represent a community of 300 new homes in Northern Virginia. The typical home is two years old and costs 1/2 million dollars to almost a million dollars. A firm that builds 5000 homes per year built mine.

Indeed we are part of the increase in demand that Dominion is using to project into the future. So let me tell you why the demand is rising so fast. When I purchased my new 1/2 million dollar home I was horrified to find that the building code allowed for R-30 insulation (about a foot) instead of the R-49 (about 2 feet) that you folks at DOE recommend. The furnace is an 80% efficient unit far less efficient than the 98% efficient unit I left behind in my old house. The hot water heater is old technology--not energy efficient. The kitchen appliances were not energy efficient. The windows are double pane but are not "Low-e" windows. The homes have no "TYVEX" wrapping. One of my neighbors had a gas bill in February 2007 of \$1800.

**WE CARE AND VOTE WITH OUR WALLETS**

I have negotiated a discount with an insulation company and to date 1/2 the homes in my neighborhood have paid an average of \$1100 to improve the insulation to R-49. We are working on other energy projects but it is a hard sell to replace new items with more efficient technologies. For a small percentage of the cost of the house we could have had efficient homes but---over and over we heard the builder say, "The house is built to code!"

**WE PROPOSE THAT DOE ASK FOR A BUILDING CODE "PRO-OFFER" FROM THE STATES**

Local governments routinely require developers to provide "pro-offers" before the government will approve a construction project. We suggest that DOE test the actual need of the states in this project. Require that all participants adopt energy friendly building codes in order to be included in the NIETC. The DOE many excellent voluntary standards that need to become mandatory. The architects communit ough the AIA have building codes models that can impact on the situation. This would cos utility companies nothing. Homeowners would see very small increases in construction but lower utility bills. (The price of homes is a function of what the market will bear, not cost of construction.)

**WE PROPOSE THAT REQUIRE ALL ENERGY PROVIDERS TO BUDGET AT LEAST THE NATIONAL PER CAPITA MEAN FOR DEMAND MANAGEMANT PROGRAMS.**

Dominion has historically ranked last of the 50 states in demand management programs. If the situation is so desperate that eminent domain is called for than surely a dose of demand management is called for. Let us pick the low hanging fruit of energy efficiency and demand management before chopping the tree down with eminent domain"

**GLOBAL WARMING-- IS THIS ACTION PART OF THE PROBLEM OR PART OF THE SOLUTION?**



Testimony of

**Akima Cornell**  
**Washington, D.C., Chapter**  
**Sierra Club**

U.S. Department of Energy Hearing  
May 15, 2007

Thank you for the opportunity to speak on this important issue. My name is Akima Cornell and I am here today representing the D.C. Chapter of the Sierra Club. The Sierra Club is one of America's oldest and most influential grassroots environmental organization. Nationally, we have 800,000 members, with more than 3,000 of those members located in Washington, D.C.

Like my colleagues across the country, I oppose the Department of Energy's proposal because it represents an intrusion by the federal government into the rights of local and state governments to plan, regulate, and protect private property, for the sole benefit of large energy companies.

For the District of Columbia, this move would be especially egregious. At time when citizens and taxpayers of our nation's capital are still struggling for full representation, this move would be a step backwards.

This move would not only place the entirety of the District of Columbia in middle of the "Draft Mid-Atlantic National Corridor," it would cement control of our energy future more directly in the hands of large energy companies, whose motivations and best interests do not align with the intentions and plans of our neighbors and local leaders.

Cities and states within the "Draft Mid-Atlantic National Corridor," do not need more energy, they need to use the energy they have more wisely. Improved energy efficiencies in these areas would decrease the demand for energy and render the development of new transmission lines superfluous.

Thank You.

My name is Bonnie Aitken and I live in Fairfax County and own land in Fauquier County where I plan to retire. My land is impacted by the proposed high voltage transmission line Dominion Power wishes to build in Virginia.

I respectfully request that you do not designate any land for a NIETC corridor. Before you open Pandora's Box, please consider some of the following unintended consequences:

1. You will ~~undo all the good~~ <sup>undermine the efforts</sup> that progressive states and their citizenry have accomplished by using energy efficiency and conservation as an energy resource. Energy efficiency and conservation account for 3-8.3% of the total energy needs of these progressive states. The cost of this energy is 2.4cents/kwh as opposed to 8cents/kwh from coal generated energy. I am referencing the American Council for Energy –Efficient Economy 2006 study on Energy Efficiency in Buildings. I am including a copy of this report for your review.

You will note that the progressive states are most of the states in the north east corridor, they are investing \$7.63-\$22.54 per capita and are using 3.1%-8.3% of their energy from this resource—not coal, just conservation of the energy they already have. You will note that the states wishing to generate and transmit coal fueled energy have no investment in conservation and have achieved 0% to 0.3% energy savings. Yet these states, Va. WV, Pa, and Ohio want you to allow them to build corridors to feed these fuel efficient states with dirty greenhouse gas emitting fuels at great cost to the environment. ~~The NIETC~~ <sup>is not in the long term national interest</sup>

2. I am requesting that you show me a complete cost analysis of what this corridor would do to the area. How are land owners compensated when their lands are condemned? How are people compensated when their view sheds are ruined? The Northern Virginia land values are some of the most expensive in the nation. How are the counties compensated for the loss of tax revenue from all this devalued land? What will be the cost of the carbon dioxide tax from excessive greenhouse gasses produced by coal fueled generation? What is the cost to the environment, air and water quality, who is responsible to pay for all the damages? Where is the Environmental Impact Statement? What are the line loss costs from transmission over long distances? What about the loss of National Park Lands, Historical Land? Which representatives from the affected states have been contacted and what are the details of those meetings? Since when is it OK to sacrifice a few states so that private for profit utility companies can condemn private property to make guaranteed profits for shareholders? We the people do not want this.

3. Another unintended consequence of this NIETC will be the extremely expensive litigation. Many people are harmed and they will demand their day in court. This will go all the way to the Supreme Court and tie up any designation for years. The Supreme Court has recently ruled that carbon dioxide and other greenhouse gasses are pollutants, are subject to regulation under the clean air act, and the EPA has the authority to protect the public from dangerous greenhouse gasses. Don't states have rights? This will be a legal nightmare!!! Use the money to subsidize

renewable energy such as solar panels for every house instead of paying lots of lawyers' lots of money. Don't waste tax payer's money on litigation you will ultimately lose.

4. Another unintended consequence of the NIETC will be that the utilities will have the legal right to condemn land wherever they choose. Nothing is off limits. Just picture transmission towers between the Capital and the Washington Monument! Just look at what Dominion Power proposed for their routes across Northern Virginia. My parcel of land borders the Appalachian Trail Lands. There are restrictive covenants on this land put there by the Dept of the Interior. Nothing can be built higher than 40 feet. But Dominion Power can put 165 foot tall high tension wires up and destroy 72,000 acres of view shed along the Appalachian Trail. Did you intend for power companies to have this much control? Federal Eminent Domain should not be given to for profit corporations.
5. To summarize, we the people do not want the mountains of West Virginia flattened and extension cords strung out all over the mid Atlantic states. We will gladly learn to conserve our power and invest in renewable energy, because we must. Our government must govern responsibly and not carelessly enable private, for profit utility companies to destroy our lands and environment.

## Bonnie Aitken

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**From:** Sarah Black [sblack@aceee.org]  
**Sent:** Monday, May 14, 2007 1:57 PM  
**To:** Bonnie Aitken  
**Subject:** Re: ACEEE 2006 report

Bonnie,

You have our permission to give a copy of this report to DOE at the hearing tomorrow.

Sarah J. Black  
Research Assistant  
American Council for an Energy-Efficient Economy  
1001 Connecticut Avenue, NW Suite 801  
Washington, DC 20036  
202-429-8873 x722  
sblack@aceee.org

>>> "Bonnie Aitken" <baitken@knightart.com> 5/14/2007 12:47 PM >>>

Dear Sirs:

In January, I purchased a copy of your ACEEE 2006 report, A NATIONWIDE ASSESSMENT OF UTILITY SECTOR ENERGY EFFICIENCY SPENDING, SAVINGS, AND INTEGRATION WITH UTILITY SYSTEM RESOURCE ACQUISITION by Dan York and Martin Kushler and was given permission to give a printed copy of this report to my delegate and senator in Richmond during the session this past winter. There is a DOE public hearing tomorrow, May 15, 2007, concerning the National Interest Energy Transmission Corridor that has been proposed for the Mid Atlantic Region. I would like permission to give a copy of this report to the DOE at this hearing as I hope it would influence their decision on this matter. The hearing is tomorrow so I need a response quickly. Thank you for your attention to this matter.

Sincerely,

Bonnie Aitken

**A NATIONWIDE ASSESSMENT OF UTILITY SECTOR ENERGY EFFICIENCY  
SPENDING, SAVINGS, AND INTEGRATION WITH UTILITY SYSTEM RESOURCE  
ACQUISITION**

**Dan W. York and Martin Kushler**

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## ABSTRACT

Ratepayer-funded electric energy efficiency programs have entered an era of renewed focus and importance after a decade of relative neglect in the wake of electric industry restructuring. This paper presents nationwide data on electric energy efficiency programs over the period 1993–2004.<sup>1</sup> The trend is clear. States and regions are increasing their investment and support for energy efficiency. There is a renewed focus on including energy efficiency as a resource within utility system planning and resource acquisition in selected states and regions—particularly California; the Pacific Northwest; and certain states in the Northeast, West, and Midwest. The trends we observe and report in this paper will accelerate in these areas based on increased commitments to energy efficiency program funding for the near-term future.

## Trends in Nationwide Spending and Savings

The electric utility industry in the United States has undergone major changes over the past decade. A wave of restructuring activity swept over the nation beginning in the mid-1990s, with many states choosing to partially deregulate and restructure their electric utility industries to introduce competition at both the retail and wholesale levels. One result of such restructuring was a precipitous decrease in funding for ratepayer-funded electric energy efficiency programs<sup>2</sup>—from almost \$1.8 billion in 1993 to about \$900 million in 1998 (nominal dollars). Principal reasons for this decline included uncertainty about newly restructured markets and the expected loss of cost recovery mechanisms for energy efficiency and demand-side management (DSM) programs. Generally utilities and many regulators did not see most DSM programs as being compatible with competitive retail markets. The thinking was that pricing and other market mechanisms would guide customer decisions about energy efficiency, not regulatory-driven DSM programs.

Earlier published data on state-level electric energy efficiency spending and savings document a steep decline through the end of the '90s (Nadel, Kubo, and Geller 2000). However, more recent data (York and Kushler 2002, 2005) show a modest rebound from the low point reached in 1998—an increase to about \$1.1 billion in 2000 and up to about \$1.3 billion in 2003. Data that we have compiled for 2004 show this continued upward trend—to a nation-wide total of about \$1.4 billion. And there are numerous signs from some of the leading states in terms of their funding of energy efficiency programs that the upward trend will continue for 2005 and beyond. Preliminary estimates of authorized budgets for a set of 26 leading states yield a total of more than \$1.5 billion (ACEEE 2006). An important observation, however, is that nationwide spending still is not back to what it was in 1993, a likely peak level of that era since that was just prior to the on-set of deregulation initiatives in many states, such as California. Also, the data reported here and in related publications are

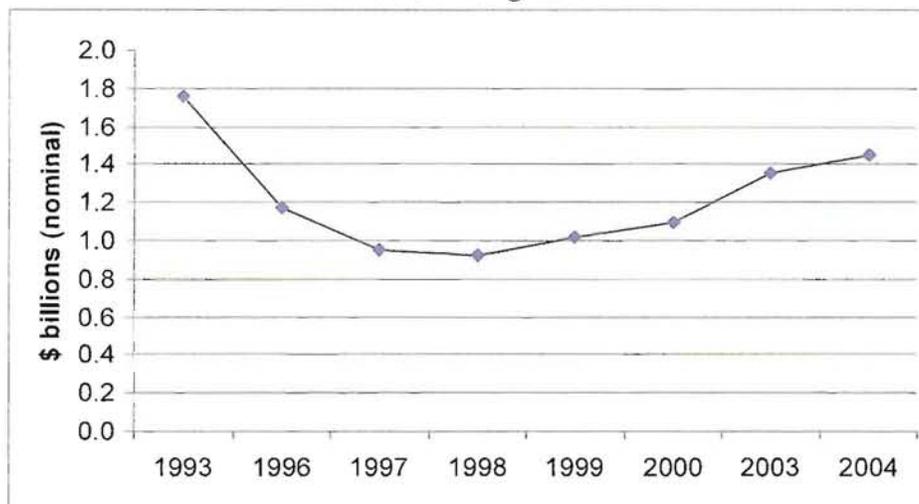
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<sup>1</sup> Complete data were only available through 2004 as there generally is a 1–2 year lag for key sources to compile and report program year data. Also this paper only addresses electric energy efficiency programs; utility/public benefits natural gas energy efficiency programs are not included.

<sup>2</sup> By “ratepayer-funded energy efficiency” programs, we mean energy efficiency programs funded through charges included in customer rates or otherwise paid via some type of charge on customer bills. This includes both demand-side management programs and “public benefits” programs. We do not include data on separately funded low-income programs, load management programs, or energy efficiency research and development.

nominal data—if we adjusted spending for inflation, the rebound and upward trend we observe would be less pronounced. Figure 1 tracks total ratepayer-funded electric energy efficiency spending from 1993 to 2004; it illustrates this decline and continued rebound. A final note is that these data do not include private investment in energy efficiency—either in conjunction with utility or public benefits programs or independent of such programs. Private investment clearly is important and likely to be significant in magnitude. However, we know of no data sources that compile and report such private investments.

**Figure 1. Total Ratepayer-Funded Electric Energy Efficiency Program Spending from 1993 through 2004**



Key factors responsible for this rebound and upward trend include:

- Many states renewed and reaffirmed their commitments to ratepayer-funded energy efficiency programs—both in states that had restructured their utilities and in states that have not.
- Other values and attributes of energy efficiency are helping spur additional support for energy efficiency programs. The 2000–2001 electricity “crisis” that occurred in California and other western states spurred many states to bolster their energy efficiency investments as a means to help address system reliability. In the Northwest, for example, Bonneville Power Administration is examining “non-wires solutions” to transmission constraints and related problems. Energy efficiency and load management are key elements in such solutions. States and regions—notably California and a set of Northeastern states—are also taking actions to reach environmental objectives, such as reducing greenhouse gases. Energy efficiency is seen as a key policy tool to help achieve such objectives.
- Some of the largest increases in state-level spending have come from states that have implemented “public benefits programs.” Around the year 2000, many of these programs, such as in Vermont, Oregon, Wisconsin, and New Hampshire, were ramping up after their initial creation. By 2003 and 2004, most of these programs had reached full funding levels. However, some of these states also experienced state

government budget deficits, which led to some “raiding” of these funds in the early 2000s. Such raids appear to be over (for now) and the funds in these states are mostly back on track to reach authorized levels.

- States that have utility demand-side management under regulated structures have continued to support these programs at about historical funding levels, with some notable increases in states that see energy efficiency as a key, low-cost strategic resource, such as Iowa, Nevada, Utah, and Washington.
- Some leading states and regions—those with long, successful records of significant levels of energy savings achieved through energy efficiency programs—are in the early stages of greatly increased levels of investments in energy efficiency—notably California, the Pacific Northwest, and New York.
- Despite many of these positive developments relating to support for ratepayer-funded energy efficiency programs, utilities in roughly half of the states provide little or no funding for such programs. These states generally have no regulations or policies in place that require utilities or other organizations to provide energy efficiency programs.

While spending on energy efficiency programs is a key indicator for utility and state commitments to energy efficiency, ultimately the most important measure of such programs is the impact they achieve—that is, the energy savings that result from program activities. Like program spending, energy savings show a similar increase over this period. Total cumulative annual energy savings from ratepayer-funded electric energy efficiency programs through 2004 were over 74 TWh (i.e., annual savings achieved in 2004 as a result of programs operated in 2004 *and* earlier years; this is *not* lifetime savings attributable to the programs). These savings are equivalent to the annual electricity consumption of a medium-sized state such as Maryland, Missouri, Louisiana, or Washington, or the equivalent annual output of about 18 average-sized coal-fired power plants.<sup>3</sup> We caution that savings data are likely less accurate than spending data due to a variety of factors, including:

- Inconsistencies in collection and reporting of data to state and national authorities (such as the Energy Information Administration);
- Variations in the quality and quantity of evaluation data available on program impacts;
- Unavailability of data in some cases; and
- Variations in conventions and interpretations of data parameters on program impacts.

However, the overall upward trend in savings is consistent with reported spending.

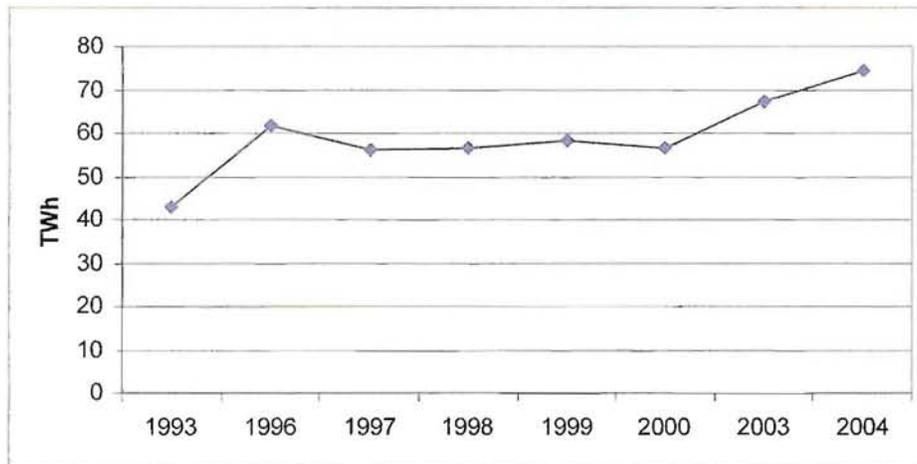
Figure 2 shows total savings from 1993–2004. While the savings data exhibit an overall upward trend, there is not the precipitous drop as shown in Figure 1 with the spending data. The reason is that these are *cumulative* annual savings, not *incremental* (reporting year only—or “first-year”) savings. The savings achieved in a given program year will continue for some time into the future even if the program is discontinued. Thus, as spending and associated program activity declined from 1993–1998, the savings achieved by programs during—and even prior to—1993 continued to be realized with some degree of overall

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<sup>3</sup> Assumes an average size of 600 MW with an annual generation of about 4 TWh.

“decay” as certain energy efficiency measures implemented by programs cease to provide savings for any number of reasons. This impact, combined with continued achievement of new savings from ongoing programs, effectively “dampens” and even flattens the total savings curve shown in Figure 2 compared to the spending curve shown in Figure 1.

**Figure 2. Cumulative Annual Electric Energy Efficiency Program Savings from 1993 to 2004**



### **State Spending and Savings Data on Energy Efficiency Programs**

Table 1 shows individual state data on energy efficiency program spending and savings. A primary source of data is the Energy Information Administration (EIA 2005), which collects and reports utility data annually. However, given the advent and rise of non-utility energy efficiency programs (primarily “public benefits” programs), we also collected data from individual state programs as necessary. These data are for electric energy efficiency programs and include data from investor-owned utilities, municipal utilities, cooperative utilities, other public power companies or authorities, non-utility public benefits programs, and utility public benefits programs. The data do not include low-income energy efficiency program spending and savings, which are generally tracked and reported separately.

**Table 1. 2004 Energy Efficiency Program Spending and Savings**

	Total Spending			Cumulative Savings	
	\$1000	Per capita	% revenues	GWh	% sales
Alabama	438	\$0.10	0.0%	382	0.4%
Alaska	103	\$0.16	0.0%	3	0.1%
Arizona	4,000	\$0.70	0.1%	106	0.2%
Arkansas	231	\$0.08	0.0%	32	0.1%
California	380,009	\$10.60	1.3%	19,590	7.8%
Colorado	13,715	\$2.98	0.4%	687	1.5%
Connecticut	58,098	\$16.60	1.8%	2,651	8.3%
Delaware	NA	NA	NA	0	0.0%
District of Columbia	2,200	\$3.97	0.3%	251	2.3%
Florida	72,014	\$4.14	0.4%	5,951	2.7%
Georgia	1,356	\$0.15	0.0%	291	0.2%
Hawaii	9,190	\$7.28	0.5%	85	0.8%
Idaho	7,023	\$5.03	0.6%	813	3.7%
Illinois	3,000	\$0.24	0.0%	130	0.1%
Indiana	2,062	\$0.33	0.0%	812	0.8%
Iowa	28,833	\$9.76	1.1%	1,310	3.2%
Kansas	0	\$0.00	0.0%	0	0.0%
Kentucky	4,146	\$1.00	0.1%	161	0.2%
Louisiana	324	\$0.07	0.0%	25	0.0%
Maine	13,118	\$9.98	1.1%	33	0.3%
Maryland	50	\$0.01	0.0%	2,221	3.3%
Massachusetts	133,326	\$20.81	2.2%	3,514	6.3%
Michigan	8,000	\$0.79	0.1%	1	0.0%
Minnesota	55,784	\$10.95	1.4%	4,791	7.6%
Mississippi	497	\$0.17	0.0%	83	0.2%
Missouri	928	\$0.16	0.0%	22	0.0%
Montana	8,002	\$8.63	1.0%	560	4.3%
Nebraska	4,348	\$2.49	0.3%	56	0.2%
Nevada	8,473	\$3.63	0.3%	75	0.2%
New Hampshire	15,120	\$11.64	1.2%	340	3.1%
New Jersey	92,753	\$10.68	1.2%	3,234	4.2%
New Mexico	2,000	\$1.05	0.1%	26	0.1%
New York	147,193	\$7.63	0.8%	4,772	3.4%
North Carolina	3,722	\$0.44	0.0%	12	0.0%
North Dakota	465	\$0.73	0.1%	0	0.0%
Ohio	16,195	\$1.41	0.2%	394	0.3%
Oklahoma	316	\$0.09	0.0%	91	0.2%
Oregon	62,888	\$17.51	2.2%	2,940	6.4%
Pennsylvania	3,446	\$0.28	0.0%	16	0.0%
Rhode Island	13,990	\$12.95	1.6%	492	6.2%
South Carolina	4,920	\$1.17	0.1%	107	0.1%
South Dakota	542	\$0.70	0.1%	0	0.0%
Tennessee	10,937	\$1.86	0.2%	441	0.4%
Texas	80,000	\$3.56	0.3%	6,229	1.9%
Utah	16,450	\$6.80	1.2%	762	3.1%
Vermont	14,000	\$22.54	2.2%	400	7.1%
Virginia	0	\$0.00	0.0%	166	0.2%
Washington	88,522	\$14.26	1.9%	5,974	7.5%
West Virginia	992	\$0.55	0.1%	23	0.1%
Wisconsin	53,734	\$9.76	1.1%	3,233	4.8%
Wyoming	0	\$0.00	0.0%	0	0.0%
USA TOTAL	1,447,453	\$4.93	0.5%	74,286	2.1%

### Spending per Capita

Nationally the average electric energy efficiency spending per capita in 2004 was \$4.93. The range was zero to \$22.54 per capita. A total of 10 states spent more than \$10 per capita on ratepayer-funded energy efficiency programs; a total of 17 states spent \$5 or more per capita. The top twenty states (in terms of their spending per capita) account for 88% of nationwide spending on energy efficiency programs. The top ten states account for 63% of total national spending; adding the next five (the top 15) brings this up to 80%. These top states also represent a relative large share of population, which improves this picture in terms of spending relative to population. The top ten states comprise 25% of total U.S. population; the top 20 comprise 43%. Table 2 presents the top ten states in terms of their spending per capita in 2004.

**Table 2. 2004 Electric Energy Efficiency Spending Per Capita: Top 10**

<b>Ran k</b>	<b>State</b>	<b>Spending/Ca pita</b>
1	Vermont	\$22.54
2	Massachusetts	\$20.81
3	Oregon	\$17.51
4	Connecticut	\$16.60
5	Washington	\$14.28
6	Rhode Island	\$12.95
7	New Hampshire	\$11.64
8	Minnesota	\$10.95
9	New Jersey	\$10.68
10	California	\$10.60
	U.S. Average	\$4.93

### Spending as a Percentage of Utility Revenues

Another indicator of energy efficiency program activity and funding commitment is program spending as a percentage of utility revenues from sales to end-use customers. Nationally in 2004 the average was 0.5%. Eighteen states are above this national average. The range is from zero to 2.2%. The range for the top ten states is 1.2 to 2.2%. Table 3 presents the top ten states in terms of their spending as a percentage of utility revenues in 2004.

**Table 3. 2004 Electric Energy Efficiency Spending as a Percentage of Utility Revenues: Top Ten**

<b>Ran k</b>	<b>State</b>	<b>Spending as a Percentage of Annual Total Revenues</b>
1	Vermont	2.2%
2	Oregon	2.2%
3	Massachusetts	2.2%
4	Washington	1.9%
5	Connecticut	1.8%
6	Rhode Island	1.6%
7	Minnesota	1.4%
8	California	1.3%
9	New Hampshire	1.2%
10	Utah	1.2%
	U.S. Average	0.5%

**Savings as a Percentage of Retail Energy Sales**

Cumulative annual energy savings as a percentage of retail energy sales provide an indicator of the contribution of energy efficiency to overall system energy resource requirements. Nationwide energy efficiency programs are saving about 2% of the total system energy resource requirements. The range is from zero to 2.3%. The range for the top ten states is 4.3% to 8.3% Table 4 gives the top ten states by this indicator.

**Table 4. 2004 Cumulative Annual Energy Savings as a Percentage of Annual Utility Energy Sales: Top Ten**

<b>Ran k</b>	<b>State</b>	<b>Cumulative Annual Savings As a Percentage of Annual Energy Sales</b>
1	Connecticut	8.3%
2	California	7.8%
3	Minnesota	7.6%
4	Washington	7.5%
5	Vermont	7.1%
6	Oregon	6.4%
7	Massachusetts	6.3%
8	Rhode Island	6.2%
9	Wisconsin	4.8%
10	Montana	4.3%
	U.S. Average	2.1%

**Energy Efficiency As a Resource**

Over two decades of experience with energy efficiency programs demonstrate that energy efficiency savings (“negawatts”) are real—these savings can be measured and relied upon to deliver savings as projected and needed. The contribution of such resource savings has been significant in many states and regions, yielding both economic and environmental benefits.

The success of energy efficiency programs in delivering energy savings and related benefits as they were designed to do is leading some states and regions to “raise the bar” in terms of the role of energy efficiency in resource planning and acquisition. The Northwest offers a prime example. The Northwest Power and Conservation Council estimated that energy efficiency programs and related investments since such efforts were begun in 1978 in the region have yielded a cumulative impact of about 3,000 average megawatts<sup>4</sup> of energy savings in 2004. According to its latest long-range, integrated resource plan, the region plans to meet all demand growth through the year 2012 through energy efficiency (NPCC 2005). The near-term target for additional energy efficiency savings is 700 average megawatts by 2009. NPCC developed this latest plan (the region’s 5<sup>th</sup> since 1980) through a rigorous and comprehensive analysis of multiple resource options via over 400 different scenarios. Energy efficiency emerged as the clear preference as the priority resource under all scenarios because it reduces system costs and risk. Energy efficiency’s attributes include (Eckman 2005):

- Low-cost: average 2.4 cents/kWh total resource cost;
- It’s a hedge against all electricity market price spikes;
- It has value even when market prices are low;
- It’s not subject to fuel price risks or carbon control risks; and
- It’s significant enough in size to delay “build” decisions on new generation.

California similarly has a long, successful record of successful utility energy efficiency programs. The legacy and value of such programs was clearly put to a critical test during California’s 2000–2001 energy crisis. Energy efficiency and conservation literally “kept the lights on” during the crisis—providing an estimated 5,000 MW demand reduction when needed—and annual energy savings of about 6%. Such savings saved California from massive economic damage that the economy would have incurred had the state been forced to endure massive rolling outages. The lesson is clear: energy efficiency and other demand-side measures are tangible resources that can provide savings readily and reliably.

California’s history with significant levels of investment in energy efficiency programs might suggest that its energy efficiency resource is largely depleted—analogue perhaps to an oil well running dry. In fact, Californians were among the most energy-efficient customers in the nation at the onset of its electricity crisis. Upon careful examination of the resource potential, however, the California Public Utilities Commission concluded strongly that there remained a large, cost-effective energy efficiency resource potential. State policy, as adopted through the CPUC “Energy Action Plan” (CPUC 2005), places energy efficiency as the first resource in utility loading order—meaning that the first dollars spent by California’s utilities are to be on cost-effective energy efficiency. This policy

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<sup>4</sup> “Average megawatt” is a unit of energy used as a convention in the Northwest region—largely because of the hydropower dominance for power generation. An average megawatt is equal to the energy produced by one megawatt over one entire year (8,760 hours), or 8,760 megawatt-hours.

in turn is translating to unprecedented levels of investment in new energy efficiency resource in California. Over the next three years, 2006–2008, California plans to invest a total of \$2 billion in energy efficiency through programs offered by utilities and other organizations. To gain a perspective on this level of investment, in 2004 California’s investor-owned utilities spent \$380 million on their energy efficiency programs. Under the CPUC’s approved plan, these utilities will spend about \$800 million in 2008—just over double of what many might already view as an aggressive level of investment in energy efficiency (Kennedy 2005).

State and regional policymakers also are looking to energy efficiency to play an increasing role in meeting future energy needs. The Western Governors Association has adopted a “Clean and Diversified Energy Initiative” that seeks to increase the efficiency of energy use in member states by 20 percent by 2020 (WGA 2005). Already there have been notable increases in funding (or planned funding) and support for energy efficiency in selected western states, including Nevada, Utah, Arizona, New Mexico, and Colorado.

Like California and the Northwest, the Northeast also has a long, successful record with ratepayer-funded energy efficiency programs. Individual states within the Northeast show great diversity in their specific approaches and structures for the administration and implementation of energy efficiency programs. As many of these states look to the future, their common experience with successful energy efficiency programs is shaping how they plan to meet their future energy needs. There is a growing and increased emphasis on using energy efficiency to meet specific, quantified energy and demand savings goals. An examination of the energy efficiency resource potential in the Northeast shows that cost-effective energy efficiency could not only meet the entire projected demand growth (estimated to be 1.2%) in the region, but could also actually reduce energy demand in the region to 1993 levels by the year 2013—effectively reducing energy demand by 1.38% per year (Coakley 2005). This is the achievable energy conservation potential at costs of \$0.031/kWh and lower, which compares very favorably to the cost of new supply resources, estimated to be \$0.094/kWh. Below are examples of how selected states in this region are using energy efficiency as a strategic resource.

- The Connecticut Legislature passed the “Energy Independence Act” in 2005 that sets specific, quantifiable conservation and load management targets—including a portfolio standard calling for 1% of demand to be met from energy efficiency (including combined heat and power systems) by 2007, and 4% by 2010.
- New Jersey is establishing specific energy and demand savings goals for its statewide public benefits program; the proposed energy efficiency target is 1,814 GWh for the period 2005–2008.
- The Vermont Legislature in its 2005 “Omnibus Energy Act” removed the spending cap (\$17.5 million/year) on its “energy efficiency utility” (Efficiency Vermont) and required annual reviews of unrealized energy efficiency potential. The Act allows budget adjustments in order to realize “all reasonably available, cost-effective energy efficiency savings.”
- The State of New York estimated that between 1990 and 2001, the state’s major energy efficiency programs saved 57,256 GWh of electricity and reduced summer peak demand by nearly 1,700 MW (NYSERDA 2002). New York just recently renewed its public benefits program for another five years and increased funding levels by a total of \$25 million per year.

Energy efficiency's broader environmental and economic benefits are leading to new efforts to secure higher levels of energy savings through cost-effective energy efficiency. For example, nine Northeast and Mid-Atlantic states have come together as the "Regional Greenhouse Gas Initiative" (RGGI), a collaborative that seeks to reduce regional emissions of greenhouse gases via a "cap-and-trade" rule for carbon emissions. Under proposed rules, 25% of the allocation of carbon credits would be for energy efficiency measures (RGGI 2006). In the Midwest, eight states have formed the "Midwest Natural Gas Initiative," to try to achieve a 1% reduction in each state's natural gas use per year for the next several years. By doing so, these states hope not only to realize the immediate benefits of energy efficiency to individual customers, but collectively they hope to affect regional markets for natural gas sufficiently to help moderate prices—yielding additional benefits from such cost reductions (MEEA 2006).

### **Challenges for Energy Efficiency As a Resource**

With the movement towards greater reliance on energy efficiency as a resource come a variety of challenges. One of these is the fragmented, more decentralized nature of today's energy markets and supply systems. Questions on the structure and delivery of programs seem mostly resolved at this time. Numerous models have emerged—from "traditional" utility-based demand-side management overseen by public utilities commissions to public benefits programs provided by non-utility organizations. A challenge that has arisen from the creation of new market and program structures is that in some cases, non-utility providers are tasked with energy efficiency while other types of companies and organizations (utilities, competitive generation companies, and others) are responsible for energy planning and decision-making regarding new energy system investments. In order to conduct long-range, integrated resource planning, including energy efficiency as a resource option, there consequently is a need to "re-integrate" certain functions in order to get a complete and accurate picture of present and future energy demand and system resources.

Another challenge for increasing reliance on energy efficiency as a resource is the need for such investments to be viewed as a resource that requires consistent, adequate funding and infrastructure. States that "raided" their public benefits funds to help cover overall state budget deficits in the early 2000s essentially "pulled the plug" on many planned programs and services. This can greatly erode future customer confidence and credibility, as well as simply under-invest in cost-effective resources. It should be seen as the equivalent of legislatures trying to "raid" investment funds for new power plant construction—something that obviously can't and wouldn't be done by state governments. Yet the different perceptions of energy efficiency and the way programs were funded in certain cases led to such outcomes.

### **Conclusions**

Energy efficiency programs supported by ratepayers—whether provided by utilities or non-utilities—continue to show modest growth in spending and savings impacts from the late '90s. There is a noticeable return to "integrated resource planning"—if not in name, in

concept. System planners are looking at energy efficiency and related demand-side measures as vital, cost-effective resources capable of helping address present and future energy needs.

Key observations from our analysis of national spending and savings impacts are:

- Total funding nationwide for ratepayer-funded electric energy efficiency programs—both utility DSM and public benefits programs (either non-utility or utility-based)—has continued its modest rebound since reaching its apparent low points in the late 1990s.
- This upward trend is likely to continue as states such as California have increased their commitment to supporting energy efficiency programs as part of long-term energy resource plans. Other states and regions across the country (including New York, Nevada, Utah, and the Pacific Northwest) are looking to increasing energy efficiency as part of their energy, economic, and environmental strategies
- Ratepayer-funded energy efficiency programs have entered an era of renewed focus and importance after a decade of relative neglect in the wake of electric industry restructuring. This renewal has been driven by a combination of factors, including dramatic increases in fossil fuel prices including significant concerns with natural gas prices and availability; growing concern over electric system capacity; and the emerging recognition of financial risks associated with future environmental costs. Another key driver has been the recognition of the reliability benefits of energy efficiency, demonstrated most clearly in California during its 2000–2001 energy crisis.
- The energy utility industry is once again looking upon energy efficiency as a viable and proven energy resource in terms of meeting customer demand and providing long-term cost-effective resource solutions for system planning and operation.

Energy efficiency programs have gone through a series of adjustments as a result of significant changes occurring within the electric utility industry. The industry upheavals have subsided and sufficient time has elapsed for many of the newly created structures for administering and implementing energy efficiency programs to have reached full operation and attained a certain level of maturity in the marketplace. At the same time, a number of states have simply maintained and even expanded utility DSM under a “traditional” regulated structure.

The economic, environmental, and system benefits possible through increased energy efficiency are not being achieved in all states, however. One consistent finding from research and tracking of state data is that ratepayer-funded energy efficiency spending is heavily concentrated in a relatively small proportion of states. The top twenty states in terms of their spending per capita account for almost 90% of nationwide spending on energy efficiency programs. Success in these leading states with energy efficiency programs provides ample evidence that there remain great opportunities yet untapped to use energy efficiency as a least-cost, viable, and strategic energy resource.

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