

I assert that DOE did neither a thorough nor an independent analysis of transmission.

A call for publicly available data is not an alternative for conducting independent research, particularly when the only data that could be called "publicly available" is that which the transmission owners choose to make available. There is no other or alternative set of data that would come forth as a result of a call for data. Only the transmission owners collect transmission data and they have alleged certain rights to claim it to be proprietary. They have chosen to release only what they choose and what is released can only be regarded as intended to serve their interests. That interest can reasonably be presumed to be to build more transmission assets. It is for this reason alone that the DOE should conduct an independent analysis using alternative assumptions.

We do not know if the DOE aggressively pursued acquiring *all* of the available data or was merely content to accept and review what the transmission owners proffered. It would seem that an undertaking of this magnitude would have prompted DOE to use all available means it had or could acquire to identify, catalog, obtain and/or analyze the any and all transmission data.

It is difficult to envision a scenario in which the transmission asset owners would face a competitive threat. They are, after all monopolies each with well defined and legally protected service territories. No other service provider may offer a competing transmission service.

The Regional Transmission Organizations, particularly PJM, operate putatively open, transparent and competitive bulk power and ancillary services markets. It is a key tenet of competitive markets that information is available freely and equally to all suppliers and consumers. Electricity markets, so inextricably linked to transmission services are especially dependent on transparent information as to the capacity between supply and markets. Thus one must ask why transmission data is in any way allowed protection as "proprietary and confidential". Moreover, why should DOE as a government agency, not be allowed access to any and all transmission data and analysis? Especially because it is asked to provide eminent domain rights affecting such a broad swath of the nation, that DOE has both a right and an obligation to be highly assertive in exploring the rationale for such a Federal action. At a minimum, DOE should have examined any reserved data under a protective order.

I do not believe the intent of Congress in amending the Federal Power Act is to have the DOE recapitulate the studies of PJM or its members and cast it as a National Congestion Study. Nor would it make sense for a mere "review" of proffered and presumably self-serving information to satisfy Congress that the DOE has discharged its obligations to serve the public good. Congress would not mandate the methodology, rather it would rely upon DOE as the expert agency to devise an approach that challenges rather than validates PJM's assertions of need. Good though it

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