

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3222

May 3, 2007

The Honorable Peter Visclosky  
Chairman  
Energy and Water Development, and Related Agencies  
2362 B Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Visclosky:

In light of the Department of Energy's announcement last week regarding two proposed "National Interest Electric Transmission Corridor" (NIETC) designations, we are writing to respectfully request your assistance as you assemble the Fiscal Year 2008 Energy and Water Development Appropriations bill. Specifically, we ask that you include in your mark a funding limitation that would eliminate DOE's ability to move forward with implementing NIETC designations in order to protect the rights of states to determine the appropriateness of and public need for electricity transmission proposals in their jurisdictions. We remain quite concerned that the heavy-handed intervention of the federal government in siting such facilities will come 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.

To protect the interests of the citizens we represent, we ask that you limit the ability of the DOE to move forward with the misdirected provisions provided under Section 1221 of the Energy Policy Act (EPA) of 2005, which amended Section 216(a) of the Federal Power Act. These specific provisions allow FERC to usurp the power of state licensing authorities in power line siting decisions within designated NIETCs and also grant private corporations the power of eminent domain to seize private property along proposed transmission routes. Simply stated, we believe Section 1221 of the EPA centralizes too much power in the hands of the Energy Department and FERC as well as the energy industry while limiting the ability of states to determine and implement comprehensive energy policy decisions.

By way of background, on April 26, the DOE designated the Mid-Atlantic Area (some or all counties in Delaware, Ohio, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia) and the Southwest Area (seven counties in southern California, three counties in western Arizona, and one county in southern Nevada) as draft NIETCs. Within these broad NIETCs, FERC will be able to override state licensing authorities under certain scenarios, including cases in which the state siting authority denies approval to a proposed project, fails to make a determination

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within one year of application, or requires alternatives or mitigation measures that the applicant feels are unwarranted or economically infeasible.

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 states to incorporate demand response, energy efficiency, and distributed generation, including from renewable energy sources, into their state energy plans. This authority also serves to undermine a state's ability to require transmission facility applicants to consider alternatives and mitigation measures to protect local communities or better serve electricity reliability. Furthermore, we are concerned by the fact that despite legal requirements to do so, many states were not properly consulted by the DOE, if at all, prior to the release of the August 2006 National Electric Transmission Congestion Study, upon which the proposed designation of NIETCs are based.

The designation of NIETCs by the DOE directly threatens many of our country's most important natural and historic resources, many of which have existing federal designations and protections. An electric transmission line proposal in northern Virginia seeks to erect 150-foot towers through one of our country's most historically rich landscapes, which includes 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. Additionally, in New York State, a proposal to site a massive transmission line through the Upper Delaware River Valley would impair this scenic 73-mile corridor that is part of the National Wild and Scenic Rivers System, leading to American River's recent designation of the Upper Delaware River as one of the nation's most threatened rivers.

In summary, the implementation of NIETC designations under Section 1221 will put in place a dangerous framework that limits the ability of states to balance electricity reliability with other critical state priorities in a comprehensive manner. We are and will remain strongly opposed to allowing FERC to usurp the power of state licensing authorities in power line siting decisions within designated NIETCs by granting private corporations the power of eminent domain to seize private property along proposed transmission routes.

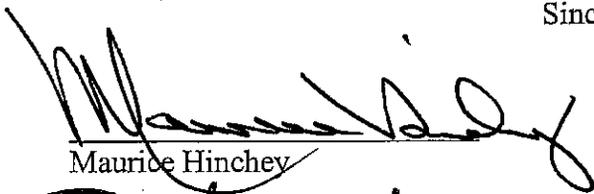
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For all these reasons, we respectfully request that you support the rights and interests of states and local communities by inserting a funding limitation in your mark to halt the implementation of this program before it adversely impacts irreplaceable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

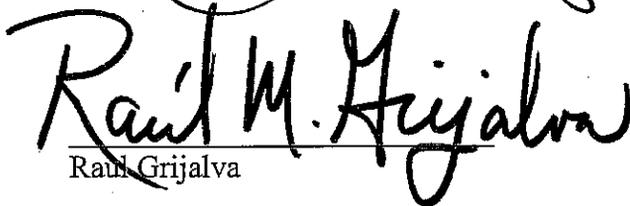
Sincerely,



Maurice Hinchey



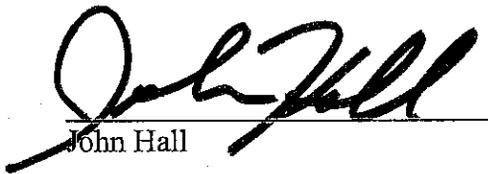
Frank Wolf



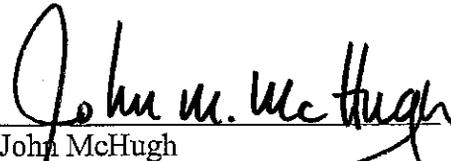
Raul Grijalva



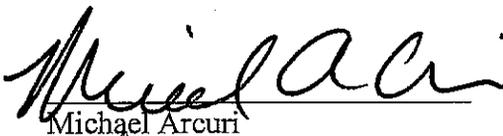
Tom Davis



John Hall



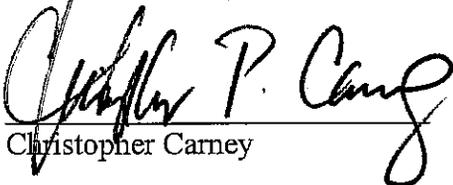
John McHugh



Michael Arcuri



Todd Russell Platts



Christopher Carney