

For Immediate Release

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May 3, 2007

***Bipartisan Group of House Members
Unveil New Legislative Strategy to Block
U.S. Dept. of Energy's Power Line Plan
That Allows Eminent Domain & Usurps
State Authority***

*DOE Plan For "National Interest Electric Transmission
Corridors" Would Pave the Way For Construction of Massive
Power Lines Despite State Opposition*

*Washington, DC -- Congressman Maurice Hinchey (D-NY),
Congressman Frank Wolf (R-VA), Congressman Michael A. Arcuri
(D- NY), Congressman John Hall (D-NY), and Congressman Chris
Carney (D-PA) today unveiled a new bipartisan legislative strategy
to block the U.S. Department of Energy's (DOE) proposal for two
"National Interest Electric Transmission Corridor" (NIETC)
designations in 11 states and the District of Columbia. Parts of
New York, Virginia, and Pennsylvania in particular are faced with
the possibility of having major power line projects forced upon
them due to this new federal designation.*

*Unless Congress acts, the DOE is poised to finalize the two draft
NIETC designations, which 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 (FERC) 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, which were announced last week, are the first of their kind from the DOE, which gained authority to administer them as part of the Energy Policy Act of 2005.

In an effort to block the creation of massive power lines over state objections and through the use of eminent domain, the House members today sent a letter to House Appropriations Subcommittee on Energy and Water Development, and Related Agencies Chairman Peter Visclosky (D-IN), asking that he insert language in the base version of his panel's spending bill that prohibits the DOE from using any money to make NIETC designations. Joining Hinchey, Wolf, Arcuri, Hall, and Carney in sending the letter today to Visclosky were: Congressman Raúl Grijalva (D-AZ), Congressman Tom Davis (R-VA), Congressman John McHugh (R-NY), and Congressman Todd Russell Platts (R-PA).

"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," the House members wrote to Visclosky. "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."

Hinchey said, "The Department of Energy and these major energy companies are trying to ram massive power line projects down the throats of the people of New York, Virginia, and other parts of the country. Those of us who represent these affected communities and states simply will not let them get away with this usurpation of power and apparent violation of the Constitution. We have already introduced several pieces of legislation and today we are making a direct appeal for support to the chairman of the subcommittee that can put an end to this misguided energy policy by denying funding to implement it."

Wolf said, "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. Our efforts today make it clear that we are not backing down and this is something Congress needs to revisit."

New York Regional Interconnection (NYRI) is proposing to use a NIETC designation to construct a nearly 200-mile high voltage direct current (HVDC) electric transmission line from Oneida County to Orange County, New York. The proposed project threatens the federally-protected Upper Delaware Scenic and Recreational River and would have serious adverse impacts on local communities along the proposed routes. 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.

"Today we took one more step in our on-going fight against NYRI and its proposal to run roughshod over the property owners of Upstate New York," said Arcuri. "We have already introduced legislation to take eminent domain out of the NYRI arsenal, asked for public hearings and meetings to bring the voices of the most affected into this process, and now we're taking the fight to the door of the Appropriations Committee - calling on our colleagues to shut off funding for the federal government's eminent domain power grab and restore control to states

and cities striving to create their own energy solution."

Hall said, "This outrageous proposal by the Department of Energy threatens to allow private energy companies to run roughshod over property rights, subvert local authority, and damage environmentally sensitive areas throughout the Northeastern United States. The proposed National Interest Electric Transmission Corridor in New York could open the door for the unnecessary and unwanted New York Regional Interconnect project to steamroll property owners and damage environmentally sensitive areas like the Upper Delaware Scenic and Recreational River, all for the profit of foreign-owned private energy interests. I am committed to working with the citizens of the Hudson Valley and my colleagues in Congress to fight tooth and nail against this proposal."

Carney said, "In Pennsylvania, local and state agencies work together to protect open space and farmland. The Delaware River is a national treasure and valued Pennsylvania resource. Before power lines disrupt the landscape, state and local communities should be allowed to provide input."

In February 2007, Hinchey introduced two bills and Wolf introduced a third that would effectively prevent NIETC designations from moving forward. The House members and their colleagues, who have cosponsored the legislation, said today they would be stepping up their efforts to move those three bills through Congress as a supplement to their efforts to block the NIETC designations through the appropriations process.

The first bill (H.R. 809) is designed to prevent the NYRI, Dominion Virginia Power, and any other proposed power line projects from going through. That measure would outright repeal the section of the Energy Policy Act of 2005 that authorized the U.S. Department of Energy to designate National Corridors and/or grant permits for projects in those corridors. The second bill, the Protecting Communities from Power Line Abuse Act (H.R. 810), would strip the ability of FERC to grant

federal eminent domain authority for such power line projects. That bill would in essence make it much more difficult, and probably impossible, for power line proposals to proceed in the event a state denies a permit. Even though FERC could theoretically permit the project, the power line companies would not be able to use federal powers to take private lands from unwilling sellers.

The third bill, which Wolf authored, is called the National Interest Electric Transmission Corridor Clarification Act (H.R. 829). That measure has many provisions, but essentially ensures that areas which are recognized for their scenic, natural, cultural, or historic value are protected from electric corridors. The bill helps ensure that local and state authorities have control over the final outcome and also allows for greater public input on such matters.

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. The DOE proposal now undergoes a 60-day public comment period before a final determination on NIETC designations will be made.

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The text of the letter from the House members to Chairman Visclosky follows:

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 (EPAct) 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 EPAct 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 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.

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, Raúl Grijalva, Tom Davis, John Hall, John McHugh, Michael A. Arcuri, Todd Russell Platts, Chris Carney