

U.S. Department of Energy Seeks Comments on Transmission Line Congestion

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The U.S. Department of Energy (DOE) is seeking comments, and inviting the public to attend four regional pre-study workshops, for the purpose of providing input to DOE's upcoming study of electric transmission congestion. The study will address congestion issues throughout the U.S., except for the Electric Reliability Council of Texas. The Energy Policy Act of 2005 (2005 EPAct) mandates that a congestion study be conducted by DOE every three years. On the basis of a congestion study, DOE may designate any area of congestion that adversely affects consumers as a national interest electric transmission corridor (National Interest Corridor). Once such corridors are designated, the federal government becomes authorized to issue siting permits for new transmission projects therein if certain triggering events occur.

Transmission line congestion can have adverse economic and/or reliability consequences for electric customers, because it can prevent generated electricity from reaching load centers. Congress addressed the concern about the ability of the transmission system to handle increasing electric demands in the 2005 EPAct. That major piece of legislation contained a number of provisions dealing with transmission issues, one of which required DOE to conduct triennial transmission congestion studies.

Although the congestion studies provide informative data for the industry and policy makers to consider, the primary significance of the studies is that DOE may, on the basis of a study, designate certain geographic areas that are experiencing congestion as National Interest Corridors. Entities proposing to build transmission projects within a National Interest Corridor may avail themselves of federal "backstop" siting authority under certain circumstances, including if the state siting authority does not issue a siting permit within one year of application. As states previously had exclusive domain over the siting of electric transmission lines, the provision for "backstop" federal siting authority was subject to sharp debates before enactment and remains controversial.

DOE's first two congestion studies were performed in 2006 and 2009. Based on the 2006 study, DOE designated large geographical areas in the eastern and western parts of the country as National Interest Corridors. That study and corridor designations were [vacated in February 2011 by an appellate court](#) because the court found that DOE had not adequately consulted with states as required by the statute, and had not given adequate consideration to whether an Environmental Impact Statement was needed to support the action. Thus, there are currently no National Interest Corridors designated, and the 2012 study could be the basis to propose new ones.

In a [Nov. 10, 2011 Federal Register notice](#), DOE laid out its plan for developing the 2012 transmission congestion study, which is due to be finalized next August. DOE noted that it would rely on a review of publically available data relating to the electric system for the 2012 study, as it did in the 2009 study. It listed types of data it would consider as including electric market analyses, energy flows, interconnection queues, generation plans, load forecasts, the impact of environmental regulation, and planning documents submitted to the Federal Energy Regulatory Commission pursuant to that Commission's Order No. 890. Notably, as directed in the American Reinvestment and Recovery Act of 2009, DOE will include in the study an analysis of significant potential sources of renewable energy that are constrained by lack of adequate transmission capacity. This would lay the foundation for a possible designation of National Interest Corridors that could facilitate the siting of transmission lines to serve renewable resources.

In the first phase of its 2012 study, DOE "seeks comments on what publicly-available data and information should be considered, and what types of analysis should be performed to identify and understand the significance and character of transmission congestion." The public may submit comments starting immediately and DOE asks that all comments suggesting appropriate analyses or studies be submitted no later than Jan. 31, 2012. In addition, DOE will be hosting public workshops in December related to the 2012 study in [Philadelphia, St. Louis, Portland, OR, and San Diego](#). DOE will then release a draft 2012 study for a 60-day comment period, after which it will issue the final version.

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