

## Plainsandeastern

---

**From:** Carol A. Overland <overland@legalelectric.org>  
**Sent:** Monday, June 08, 2015 1:04 PM  
**To:** Colamaria, Angela; Plainsandeastern  
**Cc:** mskelly@cleanlineenergy.com  
**Subject:** Initial filings - BLOCK Plains & Eastern Clean Line: Arkansas and Oklahoma  
**Attachments:** Cover\_Petitions&Motion - FINAL.pdf; BLOCK\_Petition\_Extension - FINAL.pdf; BLOCK\_Petition\_PublicHearings - FINAL.pdf; BLOCK\_Motion\_Intervention - FINAL.pdf; BLOCK\_Petition\_ContestedCase - FINAL.pdf; BLOCK\_Petition for Delay - FINAL.pdf; Notice of Appearance.pdf; AFFIDAVIT OF SERVICE\_June 8 2015.pdf

Ms. Colamaria -

Attach please find initial filings for BLOCK Plains & Eastern Clean Line: Arkansas and Oklahoma. I have been retained by BLOCK Plains & Eastern to address procedural issues and to assist in drafting Comments.

Notice of Appearance is attached. We ask that BLOCK Plains & Eastern representatives Alison Milsaps and Dave Ulery remain on the Service List going forward. I also note that although represented, direct contact with Ms. Milsaps and Mr. Ulery is encouraged, not restricted!

We request that an Extension of time for comments be noticed prior to the current June 12, 2015 deadline, and ask that Public Hearings be scheduled and noticed as soon as possible.

Two hard copies of the Petitions and Motion are being filed by U.S. Mail, and a hard copy is also being served on Michael Skelly, Clean Line (counsel has yet to appear for Clean Line).

Our Comments and a Petition for Rulemaking will follow under separate cover.

Thank you for your consideration,

Carol A. Overland  
for BLOCK Plains & Eastern Clean Line: Arkansas and Oklahoma

--

"Our lives begin to end the day we become silent about the things that matter." Dr. Martin Luther King, Jr.

Carol A. Overland  
Attorney at Law  
Legalelectric - Overland Law Office  
1110 West Avenue  
Red Wing, MN 55066

612-227-8638

[overland@legalelectric.org](mailto:overland@legalelectric.org)

[www.legalelectric.org](http://www.legalelectric.org)

[www.nocapx2020.info](http://www.nocapx2020.info)

[www.not-so-great-northern-transmission-line.org](http://www.not-so-great-northern-transmission-line.org)

---

This email has been checked for viruses by Avast antivirus software.

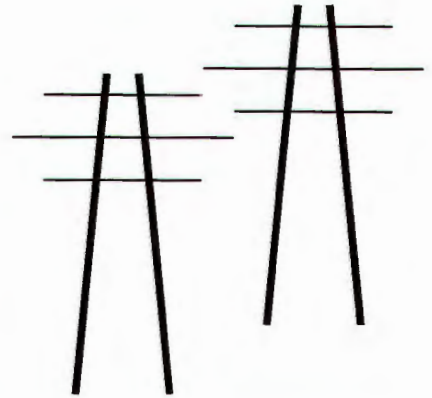
<http://www.avast.com>

## Legalelectric, Inc.

**Carol Overland**      **Attorney at Law, MN #254617**  
Energy Consultant—Transmission, Power Plants, Nuclear Waste  
overland@legalelectric.org

1110 West Avenue  
Red Wing, Minnesota 55066  
612.227.8638

1 Stewart Street  
Port Penn, Delaware 19731



June 8, 2015

Angela Colamaria      Via U.S. Mail and email: Angela.Colamaria@hq.doe.gov  
1222 Program  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue S.W.  
Washington, DC 20585

RE:    Due Process Petitions regarding DOE review of Clean Line Application  
     Plains & Eastern Clean Line -- DOE Docket No. TPF-01

Dear Ms. Colamaria:

I have been retained by BLOCK Plains & Eastern Clean Line: Arkansas and Oklahoma to address procedural irregularities in the above-entitled docket and to assist in development of Comments on the Application.

Enclosed please find two copies of Petition for Extension of Comment Period Deadline, Petition for Public Hearings, Petition for Intervention and Notice of Intervention Deadline, Petition for Contested Case, and Petition for Delay of Application Review Pending Rulemaking. Under separate cover we are filing a Petition for Rulemaking with the Federal Energy Regulatory Commission, which handled Section 1221 Rulemaking, and filing a copy with the DOE as well.

Please let me know if you have any questions or require anything further.

Very truly yours,

Carol A. Overland  
Attorney at Law

Enclosures

cc: Michael Skelly, President, Clean Line Energy Partners, 1001 McKinney, Suite 700, Houston, TX 77002.

**UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
BEFORE THE  
OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY**

---

Application for Proposed Project  
for Clean Line Plains & Eastern  
Transmission Line

OE Docket No. TPF-01

---

**PETITION FOR EXTENSION OF COMMENT DEADLINE  
on behalf of  
BLOCK PLAINS & EASTERN CLEAN LINE: ARKANSAS AND OKLAHOMA**

---

BLOCK Plains & Eastern Clean Line: Arkansas and Oklahoma (hereinafter “BLOCK Clean Line”) request that the Comment deadline be extended until September 11, 2015. BLOCK Clean Line is an association of directly affected landowners, residents, ratepayers, stakeholders and interested parties along and/or near the proposed easement or alternative routes of the Plains & Eastern Clean Line in Arkansas and Oklahoma. BLOCK Clean Line’s members are directly affected by the outcome of this proceeding.

BLOCK Plains and Eastern Clean Line: Arkansas and Oklahoma, together with other members of the public, knew nothing of the DOE’s “non-NEPA” track of review, the substantive review that the DOE will use to inform its decision about whether to participate. We learned about it vaguely during the public hearings for the Draft Environmental Impact Statement, and then specifically with the Notice of Application published in the Federal Register. 80 Fed. Reg, 23520, (April 28, 2015). The Notice of Application provides for a 45 day comment period. There is no authority referenced for this choice of length of the comment period. Although there are rules for Section 1221 Applications and review, there are no rules for a Section 1222 Application review, nor are there any rules that specifically address due process for this review.



18 CFR Parts 50, 380 and 900. Application of rules for coordination of federal authorizations for transmission facilities specifically do not apply to facilities constructed by Federal Power Marketing Administrations such as in this application, with the Southwestern Power Administration<sup>1</sup>. 18 CFR 900.2(c).

The revised Application has 34 appendices, ranging from some with most of the information redacted, to others with very extensive arcane information. This information presented is nearly entirely new information, which takes time to analyze, both due to its volume and due to its complexity. Other information is clearly missing, where the complete document has not yet been provided. For example:

- The [Appendix 4-A Proposed Participation Agreement Term Sheet for the Plains and Eastern Clean Line](#) ends abruptly in mid-paragraph, and it is materially different than the Draft “Joint Evaluation and Development Agreement” dated 9-10-10 in the August 2011 Update. Where is the complete executed agreement to cover “Evaluation” which is now ongoing?
- The Appendices listed on the last page of the initial July 2010 application are nowhere to be found on the DOE’s page nor are they visible on the Clean Line site. Some can be located using Google. Are these Appendices being used to form the DOE’s decision?
- The Interconnection Studies on the Clean Line page do not appear in the Application.<sup>2</sup> Are they under consideration by the DOE in its review?
- Appendix 3 of the July 2010 Application is a 63 page report, “Analysis of the Benefits of the Proposed Plains and Eastern Clean Line,” as above, is only identified in the table of Appendices and is not part of the application, and in the more recent “Part 2” application, it has been replaced by Appendix 2G, a Leidos 2 page “benefit analysis” that’s bereft of analysis. Is the ICF Benefits Report used as support for this project, the Leidos 2 page “analysis”, or both?

---

<sup>1</sup> See also Ch. 900, fn. 4 (DOE does not consider applications to the PMAs for transmission interconnections to be Federal authorization request within the meaning of 216(h). In those circumstances the PMAs are not functioning as Federal agencies considering requests for permits, special use authorizations, certifications, opinions, or other approvals, but are acting in their capacity as transmitting utilities.)

<sup>2</sup> See Interconnection Studies: <http://www.plainsandeasterncleanline.com/site/page/interconnection-studies>

In short, all information all that is under consideration by the DOE in this non-NEPA review should be readily available for public review, thorough examination, and comment.

The 45 days of comment time allotted is not adequate to review the Application and present cogent comments. Additional time is necessary for interested parties to locate and decipher the documents and because springtime is a very intense time in farming and many of the members of BLOCK Clean Line and of the general public have been focused on planting and spring livestock births. The DOE initially noticed a DEIS Comment period of 90 days, and then extended the time for comments for the DEIS another 30 days, totaling 120 days. 79 FR 75132; 79 FR 78079; 80 FR 7850. Conversely, for the “non-NEPA” review, only 45 days was noticed for comments, from publication on April 28, 2015 to the deadline of June 12, 2015. 80 FR 23520. This difference in time allotted for public comment is inequitable. Further, at the DEIS hearings, BLOCK Clean Line members were told that “crossover” comments would be automatically sent to the 1222 review, yet logically, how could one comment on Section 1222 issues where the “updated application” had not yet been released?<sup>3</sup>

BLOCK Clean Line requests at the minimum equal time to Comment on the Application for the “non-NEPA” review as for the DEIS. This is the substantive analysis, upon which the DOE will make its decision. This phase of the process is more complicated and even more important than that of environmental review. Therefore, BLOCK Clean Line requests an extension of at least 90 days for comments on the “non-NEPA” review, 75 days to mirror the EIS comment period, and an additional 15 days due to the volume and density of the material for comment. BLOCK Clean Line requests the comment deadline be extended to September 11, 2015.

---

<sup>3</sup> As of this date, none of the pertinent parts of the DEIS comments that would relate to 1222 have been posted to the DOE site. There is no evidence that there has been any “crossover” of comments.

Respectfully submitted,

Dated: June 8, 2015



---

Carol A. Overland      MN Lic. 254617  
for BLOCK Plains & Eastern Clean Line:  
Arkansas and Oklahoma  
Legalelectric  
1110 West Avenue  
Red Wing, MN 55066  
(612) 227-8638  
[overland@legalelectric.org](mailto:overland@legalelectric.org)



**UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
BEFORE THE  
OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY**

---

Application for Proposed Project  
for Clean Line Plains & Eastern  
Transmission Line

OE Docket No. TPF-01

---

**PETITION FOR PUBLIC HEARINGS  
on behalf of  
BLOCK PLAINS & EASTERN CLEAN LINE: ARKANSAS AND OKLAHOMA**

---

BLOCK Plains & Eastern Clean Line: Arkansas and Oklahoma (hereinafter “BLOCK Clean Line”) hereby makes this Petition for Public Hearings as a part of the “non-NEPA” review of the Section 1222 Application in the above-captioned docket. BLOCK Clean Line is an association of landowners and residents along and/or near the proposed easement or alternative routes of the Plains & Eastern Clean Line in Arkansas and Oklahoma. BLOCK Clean Line’s members are landowners, stakeholders, and ratepayers directly affected by the outcome of this proceeding.

The Notice of Application and the process for the DOE’s “non-NEPA” review is flawed because it provided only opportunity for Comment. It did not provide notice nor make any provisions for public hearings. 80 FR 23520 (April 28, 2015). Public hearings regarding the DEIS were noticed in the Notice of Availability and Public Hearings, and 13 hearings were held across Arkansas and Oklahoma and one each in Texas and Tennessee.

As stated in our Petition for Intervention, the DOE’s “non-NEPA” substantive review was referred to vaguely during the public hearings for the Environmental Impact Statement, but notice that this “non-NEPA” process would occur was not given until the Notice of Application



published in the Federal Register. 80 Fed. Reg. 23520, The public had no general awareness that there was any DOE proceeding other than the Environmental Impact Statement. As the DEIS Comments and the attendance at the DEIS public hearings demonstrates, there is intense public interest and concern about this project.

The DOE's Notice provides for only a 45 day public comment period, and there is no provision whatsoever for public hearings, not even one. Further, there is no authority referenced, and DOE cannot cite to any authority for the procedure it has adopted -- there are no rules for a Section 1222 "non-NEPA" review of an interstate transmission line application. There are no rules to set out due process required for this review.

Public hearings are the essence of public participation and due process. BLOCK Clean Line requests that the Secretary, or the Office of Electricity Delivery and Energy Reliability under its delegated authority, initiate public hearings as provided by Rule 502 (18 CFR 385.502). Public hearings are needed across the affected areas of the states of Oklahoma, Arkansas, Texas and Tennessee, at least, if not more, to the extent that hearings were held for the Environmental Impact Statement.

Respectfully submitted,

Dated: June 8, 2015



---

Carol A. Overland MN Lic. 254617  
for BLOCK Plains & Eastern Clean Line:  
Arkansas and Oklahoma  
Legalelectric  
1110 West Avenue  
Red Wing, MN 55066  
(612) 227-8638  
[overland@legalelectric.org](mailto:overland@legalelectric.org)

**UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
BEFORE THE  
OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY**

---

In the Matter of:	)	
	)	
Application for Proposed Project	)	
for Clean Line Plains & Eastern	)	OE Docket No. TPF-01
Transmission Line	)	

---

**MOTION FOR INTERVENTION and for NOTICE OF INTERVENTION DEADLINE  
on behalf of  
BLOCK PLAINS & EASTERN CLEAN LINE**

---

BLOCK Plains & Eastern Clean Line: Arkansas and Oklahoma (hereinafter "BLOCK Clean Line"), by and through its counsel, Carol A. Overland, Legalectric, 1110 West Avenue, Red Wing, MN 55066, hereby submits this Motion for Intervention and requests Notice of Intervention deadline be issued in the above captioned proceeding. BLOCK Clean Line simultaneously submits Petitions for Extension of Comment Period Deadline, Petition for Public Hearings, Petition for Contested Case, and Petition for Delay of Decision Pending Rulemaking.

Contact information for BLOCK Plains & Eastern Clean Line: Arkansas and Oklahoma:

Carol A. Overland	<a href="mailto:overland@legalelectric.org">overland@legalelectric.org</a>
Legalectric	(612) 227-8638
1110 West Avenue	
Red Wing, MN 55066	

Dave Ulery	<a href="mailto:dulery70@gmail.com">dulery70@gmail.com</a>
P.O. Box 372	(479) 264-4150
Dover, AR 72837	

Alison Millsaps	<a href="mailto:truepriceperacre@gmail.com">truepriceperacre@gmail.com</a>
P.O. Box 755	(479) 331-2347
Dover, AR 72837-0755	

Please add Ms. Overland, Mr. Ulery, and Ms. Millsaps to the service list.

In support of this Motion for Intervention and for Notice of Intervention deadline, BLOCK Clean Line states as follows:

1. This Motion for Intervention is filed pursuant to Rules 212(a)(3) and 214 of the Rules of Practice and Procedures of the Federal Energy Regulatory Commission ("FERC"), 18 C.F.R. §§ 385.212, 385.214. This Motion is a timely motion as it is filed prior to the deadline for Comments as set forth in the Notice of Application, in the Federal Register. 80 FR 23520. The filing of this Motion and its approval by the DOE is also supported by practice and procedure for Presidential Permits, which is handled by the Office of Electricity Delivery and Energy Reliability, the DOE Office handling this Clean Line application.<sup>1</sup>

2. Clean Line Energy Partners, LLC, has submitted an application for its Plains & Eastern Clean Line Project through Arkansas and Oklahoma. Clean Line Energy Partners, LLC, proposes to build an overhead  $\pm 600$ -kilovolt (kV) high voltage, direct current electric transmission system and associated facilities with the capacity to deliver approximately 4,000 megawatts from Oklahoma and Texas to load-serving entities in the Mid-South and Southeast United States. To authorize a project under §1222, the DOE must determine that a proposed project satisfies statutory and other criteria, as set forth in the Notice of Application, page 23520, et. seq, of the Federal Register dated April 28, 2015.

3. BLOCK Clean Line is an association of landowners and residents along and/or near the proposed easement or alternative routes of the Plains & Eastern Clean Line in Arkansas and

---

<sup>1</sup> See, e.g., p. 3, Notice of Amended Application for Presidential Permit, Great Northern Transmission Line, OE Docket No.: PP-398 (November 18, 2014)



Oklahoma. BLOCK Clean Line's members are directly affected by the outcome of this proceeding. Block Clean Line members are not only directly affected landowners, but they are also users of electricity and ratepayers.

4. The position of BLOCK Clean Line is that this project does not meet the criteria of §1222 of the Energy Policy Act of 2005 (EPA Act), in that it is not needed as either new transmission or to upgrade existing transmission facilities owned by Southwestern Power Administration (Southwestern). This project is not located in an area designated under section 216(a) of EPA Act and will have no impact on congestion of electric transmission in interstate commerce, nor is it necessary to accommodate an actual or projected increase in demand for electric transmission capacity. Further, the project is not consistent with transmission needs identified by any Transmission Organization or regional reliability organization; has no relation to efficient and reliable operation of the grid; and that it duplicates existing transmission facilities. The Clean Line project is not in the public interest; it has not demonstrated a need for reliable delivery of power generated by renewable resources via this project; it has not substantiated economic or environmental benefit claims nor has it disclosed impacts of the project in each state it traverses; it has not demonstrated that it is technically viable considering engineering, electrical, and geographic factors; and it has not demonstrated financial viability. It is also BLOCK Clean Line's position that the need and impacts of this project must be thoroughly and publicly vetted in a contested case proceeding before the Office of Electricity Delivery and Energy Reliability to build a record regarding the specific criteria upon which a decision will be made. BLOCK Clean Line is also concerned about jurisdictional issues and state authority to site transmission and designate business organizations as public utilities and land rights, and the potential of use of eminent domain for a private purpose.

Further, Block Clean Line is extremely concerned about due process issues, including the lack of public notification and involvement in the development of the Project since it began in 2009.

Lack of notification and awareness was also an issue during the initial EIS Scoping Period, and lack of direct contact with landowners by Clean Line, which in most cases did not occur until after the DEIS was released in December, 2014, years after initiation of the project.

5. The interests of BLOCK Clean Line, as landowners and residents directly affected by the Plains & Eastern Clean Line, are not represented in the DOE proceedings by any other party. To Movant's knowledge, no other entities have sought to intervene in this docket. The interests of BLOCK Clean Line are distinct from any other participants because BLOCK Clean Line is the only party in Arkansas comprised of individual landowners and directly affected residents, all concerned about claimed need for the project, economic and environmental and electric rate impacts, land rights, and impacts of this project on property valuation, tax revenue, and development of renewable energy in Arkansas.

6. BLOCK Clean Line's participation is in the public interest. At this point, there are no intervenors in this DOE docket. The Application is made under §1222, Energy Policy Act of 2005, a section of the Act that hasn't been used previously, and the DOE will determine whether to participate in financing and construction of this interstate transmission line. It is a proceeding of first impression, which heightens the importance of public participation and due process.

7. The DOE is embarking on review of this Application without procedural guidance or authority. Rules have been established for Section 1221 applications for permits to site interstate electric transmission facilities and they provide opportunities for public participation. 18 CFR Part 50. The Section 1221 Application and process anticipates public participation through comments and intervention. See 18 CFR 50.09; 50.11. Unlike §1221 of the Energy Policy Act



of 2005, there are no rules for implementation of §1222. The Office of Electricity Delivery and Energy Reliability is not utilizing the rules for §1221 as a guide for review of this project.

8. There are also rules established and used for Applications for Presidential Permits for transmission lines. Although the review of this Application is being conducted by the DOE's Office of Electricity Delivery and Energy Reliability, the same office that handles review of Presidential Permit Applications, this review is not utilizing the Presidential Permit rules and FERC Rules of Practice and Procedure as a guide for review of this project. 18 CFR Part 385 Rules of Practice and Procedure, see e.g., 18 CFR 385.211 and 18 CFR 385.214.

9. Due process is being ignored. Public process and procedures are generally to be announced in the Notice of Application. 18 CFR 385.210. In this case, there are no rules of process and no procedure has been established, no public hearings were noticed, no deadline for intervention was set. The DOE has chosen a process for which there is no authority. The DOE has also chosen to utilize a process that severely limits public participation and has chosen to provide opportunity only for public comments, one that makes no provisions for public hearings, intervention, or a contested case hearing. The DOE's Office of Electricity Delivery and Energy Reliability has launched this review without the benefits of regulations, without affording due process, and gutting public participation. The DOE's Office of Electricity Delivery and Energy Reliability is making up process and procedure as this docket moves forward. For a project of this magnitude, public participation must be not just allowed, but encouraged.

10. In a Presidential Permit proceeding, Notice includes deadlines for comments and intervention and direct intervenors to submit Motions for Intervention to the Office of Electricity Delivery and Energy Reliability, in care of the staff person assigned to handle the permit. See e.g. Notice of Amended Application, Great Northern Transmission Line, PP-398,



79FR 68673. For this reason, this Motion is directed to Angela Colamaria, Office of Electricity Delivery and Energy Reliability, who is in charge of this project. Notice of Application, Clean Line Plains & Eastern Transmission Line, TPF-01, 80 FR 23520. The Applicants are being served by email and U.S. Mail.

This substantial interstate transmission project requires transparency and public process of at least the level afforded in a Presidential Permit. BLOCK Clean Line hereby submits this Motion for Intervention and requests that Notice of Intervention deadline be issued. BLOCK Clean Line requests that this Motion for Intervention be granted and that the DOE issue Notice of Intervention deadline in the above captioned docket.

Respectfully submitted,



Dated: June 8, 2015

---

Carol A. Overland      MN Lic. 254617  
for BLOCK Plains & Eastern Clean Line:  
Arkansas and Oklahoma  
Legalelectric  
1110 West Avenue  
Red Wing, MN 55066  
(612) 227-8638  
[overland@legalelectric.org](mailto:overland@legalelectric.org)

**UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
BEFORE THE  
OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY**

---

Application for Proposed Project  
for Clean Line Plains & Eastern  
Transmission Line

OE Docket No. TPF-01

---

**PETITION FOR CONTESTED CASE  
on behalf of  
BLOCK PLAINS & EASTERN CLEAN LINE**

---

BLOCK Plains & Eastern Clean Line: Arkansas and Oklahoma hereby makes this Petition for a Contested Case as a part of the “non-NEPA” review of the interstate transmission project Application in the above-captioned docket. BLOCK Plains & Eastern Clean Line: Arkansas and Oklahoma (hereinafter “BLOCK Clean Line”), is an association of landowners and residents along and/or near the proposed easement or alternative routes of the Plains & Eastern Clean Line in Arkansas and Oklahoma. BLOCK Clean Line’s members are affected landowners and stakeholders in the above-captioned Plains & Eastern Clean Line proceeding, and are directly affected by the outcome of this proceeding. BLOCK Clean Line members are not only directly affected landowners, but they are also users of electricity and ratepayers, and have an interest distinct from any other interested parties.

The DOE plans to make its decision whether or not to participate, and under what conditions it would participate, based on this “non-NEPA” review. As evidenced by both the quantity and quality of comments received by the DOE as part of the environmental review, both written and oral, and by the number of people attending and speaking at those public hearings, this project is hotly challenged and opposed, the essence of a contested case. A contested case,

whether a paper hearing or technical hearing before an administrative law judge, is necessary to thoroughly vet the Application, to inform the record and through Discovery to assure that the application and supporting documentation is in the record and available to the public, to allow the public to address concerns through testimony and cross examination prior to any decision regarding DOE participation in this transmission project. 18 CFR 385.505-509. A project of this magnitude must not go forward without a complete record for a supportable decision.

Despite the intense interest in this project, the DOE's Notice of Application provides only for a limited public comment period. That is the only participatory option. There is no authority referenced in the Notices, and DOE cannot cite to any authority for the procedure it has adopted. The DOE cannot cite to any authority for limiting public participation as it has -- there are no rules for a Section 1222 "non-NEPA" review of an interstate transmission line application. There are no rules to set out due process required for this review. There are no rules.

BLOCK Clean Line hereby requests a contested case in the above-captioned proceeding, and request that the Secretary, or the Office of Electricity Delivery and Energy Reliability under its delegated authority, initiate a contested case hearing as provided by Rules of Practice and Procedure 501, 502 (18 CFR 385.502) and set a schedule, procedures, and a date for hearing.

Respectfully submitted,



Dated: June 8, 2015

---

Carol A. Overland      MN Lic. 254617  
for BLOCK Plains & Eastern Clean Line:  
Arkansas and Oklahoma  
Legalelectric  
1110 West Avenue  
Red Wing, MN 55066  
(612) 227-8638  
[overland@legalelectric.org](mailto:overland@legalelectric.org)



**UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
BEFORE THE  
OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY**

---

In the Matter of:

Application for Proposed Project  
for Clean Line Plains & Eastern  
Transmission Line

)  
)  
)  
)  
)

OE Docket No. TPF-01

---

**PETITION FOR DELAY IN DOE REVIEW PENDING RULEMAKING  
on behalf of  
BLOCK PLAINS & EASTERN CLEAN LINE**

---

BLOCK Plains & Eastern Clean Line: Arkansas and Oklahoma (hereinafter "BLOCK Clean Line"), hereby submits this Petition for Delay in DOE Review Pending Rulemaking in the above-captioned proceeding. BLOCK Clean Line simultaneously submits Petitions for Extension of Comment Period Deadline, Petition for Public Hearings, Petition for Contested Case, and Motion for Intervention. BLOCK Clean Line notes that a repeated fatal flaw in the DOE's process is that there are no rules under which it may proceed toward a decision on this Application. A Petition for Rulemaking is being submitted to the Federal Energy Regulatory Commission and is attached. BLOCK Clean Line requests a delay in review of this transmission project until rules have been promulgated for DOE review.

Clean Line Energy Partners, LLC, have submitted an application for its Plains & Eastern Clean Line Project through Arkansas and Oklahoma under §1222 of the U.S. to authorize a project under §1222 of the Energy Policy Act of 2005 (EPA Act), the DOE must determine that a proposed project satisfies statutory and other criteria, as set forth in the Notice of Application, page 23520, et. seq, of the Federal Register dated April 28, 2015. However, the

DOE's Office of Electricity Delivery and Energy Reliability can provide no authority for its criteria or process -- the DOE's criteria and process has no basis in rules. Given that serious procedural flaw, the review of this project should not go forward.

The Department is aware of the lack of and need for Section 1222 rules. As of late April, DOE's Office of Electric Delivery and Energy Reliability has begun the drafting process for Section 1222 rules, with no decision as to whether it will proceed under formal or informal rulemaking, and no schedule is available. A Notice list has been established for this rulemaking.

BLOCK Clean Line requests a delay in review of this transmission project until rules have been promulgated.

Respectfully submitted,



Dated: June 8, 2015

---

Carol A. Overland      MN Lic. 254617  
for BLOCK Plains & Eastern Clean Line:  
Arkansas and Oklahoma  
Legalelectric  
1110 West Avenue  
Red Wing, MN 55066  
(612) 227-8638  
[overland@legalelectric.org](mailto:overland@legalelectric.org)

**UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
BEFORE THE  
OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY**

---

In the Matter of:	)	
	)	
Application for Proposed Project	)	
for Clean Line Plains & Eastern	)	OE Docket No. TPF-01
Transmission Line	)	

---

**NOTICE OF APPEARANCE**

---

Carol A. Overland, Legalectric, is the authorized agent representing BLOCK Plains & Eastern Clean Line: Arkansas and Oklahoma in the above-captioned proceeding. Please add the following to the Official Service List:

Carol A. Overland  
Legalectric  
1110 West Avenue  
Red Wing, MN 55066

(612) 227-8638  
[overland@legalelectric.org](mailto:overland@legalelectric.org)

Please retain BLOCK Plains & Eastern Clean Line representatives Alison Milsaps and Dave Ulery on the service list.



Dated: June 8, 2015

---

Carol A. Overland      MN Lic. 254617  
for BLOCK Plains & Eastern Clean Line:  
Arkansas and Oklahoma  
Legalectric  
1110 West Avenue  
Red Wing, MN 55066  
(612) 227-8638  
[overland@legalelectric.org](mailto:overland@legalelectric.org)



**AFFIDAVIT OF SERVICE**

STATE OF MINNESOTA       )  
  ) ss.  
COUNTY OF GOODHUE       )

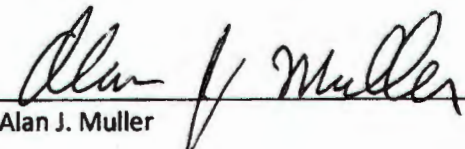
Alan Muller, of Legalectric, 1110 West Avenue, Red Wing, MN 55066, affirms that on June 8, 2015, he mailed a Cover Letter, Petition for Extension of Comment Period Deadline, Petition for Public Hearings, Petition for Intervention and Notice of Intervention Deadline, Petition for Contested Case, and Petition for Delay of Application Review Pending Rulemaking to each individual party listed below by depositing a true and correct copy (original and one copy to the DOE) in the U.S. Mail, with correct postage prepaid in an envelope to the following:

**DOE**

Angela Colamaria  
1222 Program  
Office of Electricity Delivery  
And Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Ave. S.W.  
Washington, DC 20585

**Clean Line Energy Partners**

Michael Skelly, President  
Clean Line Energy Partners  
1001 McKinney, Suite 700  
Houston, TX 77002

  
Alan J. Muller

Subscribed and sworn to before me on  
June 8, 2015.

  
Notary Public

