



**National Rural Electric
Cooperative Association**

A Touchstone Energy[®] Cooperative

April 4, 2016

Julie A. Smith
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Submitted electronically via email to: oeregs@hq.doe.gov

Re: RIN 1901-AB36
Coordination of Federal Authorizations for Electric Transmission Facilities,
Notice of Proposed Rulemaking, 81 Fed. Reg. 5383 (Feb. 2, 2016)

Dear Ms. Smith:

The National Rural Electric Cooperative Association (NRECA) appreciates the opportunity to provide comments regarding the Department of Energy (DOE) Notice of Proposed Rulemaking (NOPR) to amend its regulations governing coordination of Federal authorizations for electric transmission facilities pursuant to section 216(h) of the Federal Power Act (FPA). The proposed Integrated Interagency Pre-application Process (IIP) is intended to improve the efficiency, effectiveness, and predictability of the permitting process for transmission projects requiring interagency and intergovernmental coordination.

NRECA is the national service organization for America's Electric Cooperatives. The nation's member-owned, not-for-profit electric co-ops constitute a unique sector of the electric utility industry. NRECA represents the interests of the nation's more than 900 rural electric utilities responsible for keeping the lights on for more than 42 million people across 47 states. America's Electric Cooperatives bring power to 75 percent of the nation's landscape and 12 percent of the nation's electric customers, while accounting for approximately 11 percent of all electric energy sold in the United States. NRECA's member cooperatives include 65 generation and transmission (G&T) cooperatives and 840 distribution cooperatives. The G&Ts are owned

by the distribution cooperatives they serve. Both distribution and G&T cooperatives share an obligation to serve their members by providing safe, reliable, and affordable electric service.

NRECA supports the comments filed in this docket by Tri-State Generation and Transmission Assoc., Inc. (Tri-State), a NRECA G&T member providing wholesale power supply to distribution co-ops and public power districts in Colorado, Nebraska, New Mexico and Wyoming. As Tri-State described in its comments, **over 35 percent of the land** in its 200,000-square-mile service territory is managed by federal agencies, in this case the Bureau of Land Management (BLM) and the Forest Service (FS).

This percentage is not unusual for cooperatives providing electric service in the rural West. The attached maps show the overlap of electric cooperative service territories with federal lands. As these maps indicate, the overlap is significant, particularly in the West. Many electric cooperatives therefore routinely engage with federal agencies when applying for new or amending and renewing existing permits and authorizations for electric infrastructure projects - all activities that are critical to assuring continued safe, reliable and affordable electric service to the communities they serve.

NRECA also supports the comments filed by the Edison Electric Institute (EEI) in this docket. NRECA agrees with both Tri-State and EEI that the Department's efforts to streamline and simplify the siting and permitting processes through the proposed IIP are appreciated. However, as both Tri-State and EEI point out, if participation in the IIP by other agencies ultimately is left optional, the proposed rule will not have the desired result of improving coordination and preventing duplication of effort. As EEI states in its comments:

[I]f the purpose of the process is to facilitate cooperation and coordination of federal permitting agencies, participation of those federal entities having an authorization or consultation responsibility related to the project should be mandatory. ... In order to ensure robust coordination and increased efficiency, all agencies with federal permitting authority that would be applicable to a given project should be required to participate in the entire IIP for that project.

And as Tri-State noted, participation by affected federal agencies like the BLM and FS will depend upon those agencies' decision to allocate resources, which in turn will depend upon their ability to recover the associated costs:

The fact remains that Federal entities like the BLM and Forest Service are unable to work on a Proponent project unless there is a mechanism in place to recover their costs.

Gaining their voluntary participation is possible to generally discuss a project, but engaging them in meaningful and productive participation (such as would be required to participate in the Initiation Meeting and Review the Initiation Request) requires a commitment of time and resources that is highly unlikely without a cost recovery agreement.

Finally, NRECA supports DOE's recommendation that participating federal agencies be required to use the information gathered during the IIP to inform the NEPA process. In addition, NRECA requests clarification from DOE regarding how the proposed IIP will interact with the new permit streamlining processes envisioned by last year's enactment of the "Federal Permitting Improvement Act" (Title 41 of the Fixing America's Surface Transportation (FAST) Act, Pub. L. No. 114--94).

NRECA appreciates the opportunity to provide these comments. If you have any questions or need additional information, please contact John Novak, Executive Director, Environment – 700-907-5798, john.novak@nreca.coop, or the undersigned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Pamela Silberstein". The signature is written in black ink and is positioned above a horizontal line.

Pamela Silberstein
Associate Director – Power Supply Counsel
National Rural Electric Cooperative Association
703-907-5739
pam.silberstein@nreca.coop

Attachments