



April 4, 2016

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U.S. Department of Energy  
Office of Electricity Delivery and Energy Reliability  
Mailstop OE-20, Room 8G-017  
1000 Independence Avenue SW., Washington, DC 20585

**Re: AWEA Comments on Coordination of Federal Authorizations for Electric Transmission Facilities**

*Submitted via Federal eRulemaking portal; RIN 1901-AB36*

On behalf of the American Wind Energy Association (AWEA),<sup>1</sup> we submit comments in response to the Department of Energy's (DOE) proposal<sup>2</sup> to amend its regulations for the timely coordination of Federal Authorizations for proposed interstate electric transmission facilities pursuant to section 216(h) of the Federal Power Act (FPA). There currently exists a significant barrier that prevents renewable energy development from entering the grid quickly: the time between project development and transmission availability. In recognition of this constraint, the Obama Administration created the RITT, which is "charged with identifying ways to close the timeline gap between renewable energy

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<sup>1</sup> AWEA is a national trade association representing a broad range of entities with a common interest in encouraging the expansion and facilitation of wind energy resources in the United States. AWEA members include wind turbine manufacturers, component suppliers, project developers, project owners and operators, financiers, researchers, renewable energy supporters, utilities, marketers, customers, and their advocates

<sup>2</sup> Proposed Rule for Coordination of Federal Authorizations for Electric Transmission Facilities, 81 Fed. Reg. 5383 (Feb. 2, 2016) (Proposed Rule).



project development (typically 3-5 years) and transmission availability (7-10 years or even longer).”<sup>3</sup>

For the reasons set forth below, AWEA generally supports DOE’s proposals to improve the pre-application procedures and result in more efficient processing of applications, which is crucial in order to modernize the electric grid and meet the objective of the President’s Rapid Response Team for Transmission (RRTT). However, AWEA recommends several areas where the IIP Process could be improved in order to create a program that better promotes transmission development through comprehensive and straightforward federal coordination.

## **I. Comments**

### **a. AWEA Generally Supports the Draft IIP Process**

As the White House recognized in creating the RRTT, transmission projects involve multiple Federal, state, and tribal agencies and are subject to a wide array of processes and procedural requirements for compliance. Moreover, delays in securing needed statutory reviews, permits, and consultations can threaten timely completion of these projects. The DOE, White House Council on Environmental Quality (“CEQ”), the RRTT, and other federal entities have demonstrated an increased understanding of the need for additional electric transmission infrastructure and the many barriers that hinder the development of environmentally-friendly projects, necessary to supplement increased renewable energy

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<sup>3</sup> Carl Zichella, President’s Memorandum on Transmission Corridors Good for Siting, Review and Permitting that Significantly Reduces Delays, NRDC SWITCHBOARD (June 11, 2013), [http://switchboard.nrdc.org/blogs/czichella/presidents\\_memorandum\\_on\\_trans.html](http://switchboard.nrdc.org/blogs/czichella/presidents_memorandum_on_trans.html). For more information, see WHITEHOUSE.GOV, *Interagency Rapid Response Team for Transmission*, <https://www.whitehouse.gov/administration/eop/ceq/initiatives/interagency-rapid-response-team-for-transmission>.



capacity. AWEA appreciates the effort that DOE has taken over the past five years to ensure that applications for diverse federal permits and approvals are addressed in an efficient and coordinated fashion that serves the interests of the relevant federal agencies as well as the interests of the industry in upgrading, extending, or building electric transmission infrastructure subject to federal authority.

The IIP is another important step forward in alleviating burdens on agencies and project applicants and furthering important administrative efficiency and public policy goals. The list of agencies with siting responsibilities is expansive. Linear or networked transmission infrastructure can affect many natural features that are subject to the jurisdiction of many of these agencies. AWEA supports the IIP as a helpful attempt to coordinate the many separate regulatory mitigation and oversight procedures and approvals applicable to a single project.

**b. AWEA Supports Efforts in the Proposed Rule to Streamline the IIP Process**

AWEA supports DOE's decision to reduce the number of meetings in the IIP process. DOE originally proposed a series of four meetings with direct federal involvement throughout the entire development of a transmission line project, from the identification of two substation endpoints, to the selection of study corridors, and identification of route alternative(s). Four meetings may be overly burdensome to both relevant agencies and project proponents and could decrease efficiency by creating redundancies. DOE's proposed two meetings at the crucial stages – initiation and close-out – will streamline the IIP process and increase the likelihood of active participation by relevant agencies. The two meeting structure will enhance public engagement and outreach.



In addition, AWEA supports the IIP Resources Report and agrees that providing this report in an IIP Process Administrative File with support information, datasets, maps, figures, etc. collected during the IIP process to the NEPA Lead Agency will facilitate a more efficient process. The IIP process will inherently have overlap with NEPA review because it is intended to facilitate early cooperation and exchange of environmental information required in transmission project siting. The fact that the Final IIP Resources Report is designed to be similar to an early corporate environmental assessment further supports this position. These provisions will help streamline future environmental review and help reduce unnecessary duplicative efforts of agencies and potential uncertainty to the industry.

**c. Federal participation**

AWEA supports DOE's decision to request participation by all Federal entities in the IIP process that have a potential authorization or consultation for a qualifying project. Relevant agencies' participation in both the initial and close out meetings should be required to avoid potential complications and ensure that issues raised by Federal entities are considered in an effective and timely matter, consistent with the goals of the IIP process. Moreover, addressing concerns during the pre-application process will benefit the project proponent and lead agency during the formal NEPA process. This arrangement will also help protect the project proponent during the official NEPA process by preventing a Federal agency from making later claims of not being fully aware of proposed transmission projects and their potential impacts.

AWEA also supports the decision to allow relevant agencies to decline to attend only after a clarification in writing to DOE that they do not have any involvement or minimal



involvement along with their rationale. However, AWEA cautions that “minimal involvement” could be ambiguously interpreted and recommends DOE adopt a standard of *de minimis* involvement. The lack of any meaningful participation from potentially crucial Federal agencies could render the IIP process ineffective. One of the main objectives of the IIP Process is to obtain early collaboration and feedback from Federal entities, an objective that is inherently defeated by a lack of participation that diminishes the project’s effectiveness. A *de minimis* standard would help to prevent this from undermining the IIP process.

#### **d. Initiation request**

AWEA is concerned that the proposed initiation request requires information that is too burdensome given the early stage of planning. Specifically, we are concerned that the financial information required to initiate the process is too stringent for a project proponent at this early stage – even before the permitting process has begun.

According to DOE’s proposed IIP process, the process commences when a project proponent submits an initiation request to DOE. The initiation request must include project-related and environmental information, including a summary of the qualifying project, affected environmental resources and impacts summary, maps, geospatial information, data, and a summary of early identification of project issues. The initiation request must also adhere to other requirements outlined in section 900.4 of the Proposed Rule. DOE provides that the information requested “retains many of the existing requirements contained in [10 C.F.R.] § 900.5” and “expands on some of those elements[.]” Proposed Rule at 5,385. However, the Proposed Rule includes significant additions from



the existing regulation. In fact, the 2011 regulation to which DOE refers, *Request for coordination*, only requires the following organization and project-identifying information:

- General identifying information (the requester’s name); principle place of business; type of entity; state laws under which it is authorized; and the name, title, and address of a contact person
- A “concise general description of the proposed transmission facility sufficient to explain its scope and purpose[.]” which includes technological and physical attributes (voltage and type of current, length of transmission line, design and height of support structures); geographical information (the proposed route, including the beginning and end and a brief geographical description, and a map of the proposed route, if available); any ancillary facilities associated with the proposed route; proposed dates of construction and commencement; whether the applicant submitted an interconnection request; and the anticipated length of time of service.

The Proposed Rule, however, has much more specific and burdensome information requirements. Project proponents must include in their initiation requests a Summary of Qualifying Project; Affected Environmental Resources and Impacts Summary; associated maps, geospatial information, and studies; and a summary of early identification of project issues. In relevant part, project proponents must include in its Summary of the Qualifying Project a description of the Project Proponent's financial and technical capability to construct, operate, maintain, and decommission of the qualifying project.

AWEA is concerned that specific financial information is not warranted at such an early stage of project planning. At this stage, development has not yet begun and financial information may still be proprietary. An inclusion of detailed information regarding the financial aspect of the project could jeopardize the project proponent’s ability to obtain additional financing or cause the project to become less competitively advantageous in the region. Furthermore, it is not clear why this level of financial information is needed at this



stage. If financial feasibility is sought to ensure the project is likely to move forward and prevent using resources on an unlikely project, DOE can do this without such a cumbersome requirement. Accordingly, AWEA recommends that DOE only require the project proponent to demonstrate financial capability to fund the development phase of the proposed project.

Moreover, some of the other specific information required may be too cumbersome and discourage participation in the IIP process. In line with DOE's goal to "provide a process for the timely coordination of Federal authorizations for proposed transmission facilities[,]" DOE should ensure the IIP process is not overly burdensome and prescriptive. For this reason, AWEA encourages DOE to consult with industry and other public commenters to determine a list of required and suggested information to initiate the IIP process.

## **II. Conclusion**

For the aforementioned reasons, AWEA generally supports DOE's efforts to improve the pre-application procedures and result in more efficient processing of applications, which is crucial in order to modernize the electric grid and meet important public policy goals.

Sincerely,

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