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## **WYOMING INFRASTRUCTURE AUTHORITY**

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June 22, 2007

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

**Attn: Docket No. 2007-OE-02**  
**Comments on DOE Proposed Southwest Area National Corridor**

Note: Filed Electronically to: [EPACT1221@hq.doe.gov](mailto:EPACT1221@hq.doe.gov)

The Wyoming Infrastructure Authority (WIA) appreciates this opportunity to continue to provide comments to the Department of Energy (DOE) regarding its implementation of Section 216 of the 2005 Federal Power Act (FPA). These comments are in response to the May 7, 2007 notice in the Federal Register, Vol. 72, No. 87, and in particular, DOE's proposed designation of a National Interest Electric Transmission Corridor (NIETC) in a southwestern corner of the western electrical system.

The WIA was created in 2004 by the state legislature as an instrumentality of the State of Wyoming. WIA is governed by a board appointed by the Governor, and tasked with diversifying and growing Wyoming's economy through the development of electric transmission infrastructure.

The WIA submitted comments on the Department's February 2, 2006, Notice of Inquiry, "Considerations for Transmission Congestion Study and Designation of National Interest Electric Transmission Corridors." In doing so, WIA made the following points:

- That DOE's designation of corridors not be limited to those where persistent congestion obtains today but should encourage transmission infrastructure to develop to reduce consumer prices and diversify the fuel mix.
- That DOE expedite the study and designation of NIETCs, and do so by designating corridors for potential projects broadly, as generalized paths between two (or more) locations.

- That DOE fully recognize the features and characteristics of the Western transmission system and the studies already conducted for that system and several ongoing major transmission expansion efforts in the West.
- That DOE remain flexible and in a position to accelerate an early review and the designation of corridors on a case-by-case basis.
- That DOE's then-proposed criteria give more weight to prospective congestion, particularly in the West, to enable fuel-diversifying generation to develop.

The WIA also commented on the Department of Energy's August 2006 National Electric Transmission Congestion Study. WIA's key comments and suggestions then included:

- The Department's assessment of the Montana-Wyoming Conditional Constraint Area properly recognizes the need to enable new resource development in the region. And the Department is correct in recognizing that new back-bone transmission investment will be necessary in this region.
- The Department should not overly focus on distinct geographic areas within the Western region; but instead take a broad view of how the variously identified Constraint Areas can be developed together under regional planning.
- As to the Western Region, the Department, through the efforts of the Western Interstate Energy Board and the Western Conference of Public Service Commissioners, has access to the information necessary to resolve whether there should be designated transmission corridors and that the corridors are in the public interest.
- The designation of one or more National Corridors in the Western Region is appropriate and in the national interest.
- The Department should not be wedded to a one-size-fits-all approach to establishing geographic boundaries for National Corridors. Instead, the Department should adopt a step-by-step approach, designating first general paths and moving to more specific geographical designations as plans are developed.
- National Corridor designations should not be allowed to expire before there has been time to develop and undertake all reasonable planning and construction efforts.
- The Department should not emphasize cost allocation proposals in its designation of National Corridors. Doing so risks unreasonably delaying necessary designations. Questions of how costs are to be allocated are questions that should be left to the public and private parties that will invest in the generation and transmission infrastructures.

- The Department should continue to work with Western Region authorities to develop National Corridors and to develop responses to the Department's efforts regarding data collection, refining metrics, and developing detailed plans.

The May 7, 2007 notice in the Federal Register includes a summary of the many comments DOE received in the process to implement DOE's responsibility under Section 216, FPA, and serves as a record of decision on many of the policy and technical issues raised by DOE and interested parties. The WIA finds that DOE has given very careful consideration of these comments, including those provided by WIA, and has reached reasonable and well reasoned conclusions. WIA supports the decisions DOE has made to date, as documented in the recent notice.

The WIA also supports DOE's proposed national corridor designation in the Southwest Area, encompassing counties in southern California, southern Nevada and western Arizona. It is important that DOE start somewhere in the western interconnect, and it makes very good policy and technical sense to begin with a relatively discrete area that is beyond any reasonable doubt experiencing persistent critical congestion and adversely affecting consumers.

This approach provides the surest grounds upon which DOE can withstand the criticism and challenges it is bearing and sustain any political or legal challenges that may be in the wings, to defend and maintain this important legislative initiative under the FPA.

While WIA supports the proposed Southwest Area National Corridor, we do not believe that this narrow designation will be sufficient to adequately address the widespread constraints to transmission capacity in the vast western interconnect. The WIA will be advocating for much broader designations in the west as necessary over time to fulfill the national policy intent of Congress when it enacted FPA Section 216.

As DOE appropriately concludes in the Federal Register notice, DOE's designation of NIETCs is in no way limited to areas where persistent congestion obtains today, but can – and WIA will argue, should – be vigorously considered in areas of constraint, such as the “Conditional Congestion Areas” identified in the Congestion Study.

The WIA requests that it be maintained as a party of record in any future proceedings associated with this docket.

Thank you for this opportunity to provide these comments.

Sincerely,

Steve Waddington  
Executive Director