From:	Gordon
To:	Plainsandeastern
Subject:	Updated application comments
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Clean Line Energy Partners, LLC (“CLEP”) has failed to meet the criteria required for the Department of Energy (“DOE”) to participate in the Plains & Eastern transmission project (“Project”) under Section 1222 of the 2005 Energy Policy Act (“EPAct”).

The studies cited by CLEP in its updated application fail to prove there is an “actual or projected increase in demand for electric transmission capacity” satisfied by the Project. This is reinforced by the Project’s lack of subscription in the form of Power Purchase Agreements ("PPA") or other contractual obligations.

The Project is not consistent with “transmission needs identified, in a transmission expansion plan or otherwise, by the appropriate Transmission Organization ("RTO") if any, or approved regional reliability organization”.

CLEP cites the 2008 Joint Coordinated System Plan ("JCSP"), as well as the Eastern Wind Integration and Transmission Study ("EWITS") as evidence of need for the Project. These studies are based on hypothetical exercises, not transmission expansion plans. These two studies should be dismissed as evidence.

CLEP has failed to demonstrate the Project is in the public interest, or adequately address its potential adverse impacts. On January 11, 2011, the Arkansas Public Service Commission (“APSC”) denied Clean Line's request to become a public utility in the State of Arkansas. The potential benefits of the DOE-proposed Arkansas converter station have not been proven to outweigh the costs to landowners within the state.

Also, as stated in the recent Missouri Public Service Commission (“MOPSC”) ruling on Clean Line's Grain Belt Express (“GBE”):

“In this case the evidence shows that any actual benefits to the general public from the Project are outweighed by the burdens on affected landowners. The Commission concludes that GBE has failed to meet its burden of proof to demonstrate that the Project as described in its application for a certificate of convenience and necessity promotes the public interest.”

CLEP’s claim of “low cost clean energy for Arkansas” has not been vetted by the APSC, or subjected to challenges by qualified interveners within the state, and cannot be used as evidence of benefits.

In addition, the revelation in CLEP’s application that Southwestern Power Administration ("SWPA") could own all facilities in Arkansas and an unknown portion of easements within the state (Appendix 4-A pg. 5-6) calls into question CLEP’s claim of increased ad valorem taxes within the counties traversed by the Project. Without legally binding confirmation that Clean Line (or whoever buys the line should it be sold) will be responsible for making such payments, they should not be considered as benefits for the purposes of the 1222 review.

Regarding reliability, a recent NERC study and the Tennessee Valley Authority's (“TVA”) Draft Integrated Resource Plan (“DIRP”) indicate currently available data is not sufficient to

analyze or guarantee that the Project will facilitate the reliable delivery of power generated by renewable resources:

"Dr. Joe Hoagland, vice president of stakeholder relations for TVA, said high voltage wind energy like the 3,500-megawatt Clean Line Energy proposal from Oklahoma and Texas is not as cost effective and reliable as other sources of power.

'The wind blows when the wind blows,' Hoagland said. 'What we're trying to maintain is a balanced portfolio of power.'"

http://www.timesfreepress.com/news/business/aroundregion/story/2015/mar/19/cleaner-power-outlook-tva-some-want-even-more-renewablers/294288/

In terms of the technical feasibility of the Project, significant questions have been raised by Southwestern Energy ("SWN") about corrosion of well casings and pipelines, as well as interference with electrical equipment, and the general lack of coordinated route development with, and notification of, property owners and gas operators in the Fayetteville Shale. Southwestern Power Resources Association ("SPRA") and SWN have both expressed concerns about potential financial and physical effects to existing infrastructure.

Additionally, the required interconnection studies are incomplete; therefore a comprehensive picture of the technical viability of the Project is not currently available.

Given its lack of subscription and the redaction of critical financial information in the application, it is virtually impossible to comment on the financial viability of the project. The public cannot comment on what it cannot see. The complexity of the proposed ownership of the facilities and capacity in Arkansas and Oklahoma further complicates this issue, especially in regard to potential financing.

Finally, in reading Section 1222, it is not at all clear that Congress intended it to provide siting authority to override state law. Rather, it unambiguously states:

"Nothing in this section affects any requirement of… any Federal or State law relating to the siting of energy facilities; or any existing authorizing statutes."

As evidenced above, though CLEP may fit some of the required criteria for Section 1222, they do not meet all of the criteria. On these grounds, the DOE should not participate under Section 1222.

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