October 20, 2008

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

Submitted electronically via email to: SEC216h@hg.doe.gov

Re: RIN 1901–AB18/Interim Final Rule Comments
RIN 1901–AB18/Proposed Rulemaking Comments

Comments of Southern California Edison Company

Section 216(h) of the Federal Power Act,("FPA") added by the Energy Policy Act of 2005 ("EPAct 2005"), requires that the Department of Energy ("DOE") serve as the lead agency with respect to all applicable Federal authorizations for the siting of interstate electric transmission facilities and related environmental reviews. To comply with this congressionally imposed obligation, on September 19, 2008 the DOE issued both a notice of proposed rulemaking and an interim final rule setting forth the proposed procedures under which entities may request that DOE coordinate Federal authorizations for the siting of interstate electric transmission facilities as envisioned by EPAct 2005. Southern California Edison Company ("SCE") appreciates the efforts undertaken by the DOE to comply with its obligations under the EPAct 2005. SCE, however, believes that the rules issued by the DOE are not consistent with the duties imposed on the DOE by Congress and as such must be revised.

Specifically, and focusing on the key issues[1], it is beyond dispute that the central goal of EPAct 2005 was to expedite the robust development of the transmission grid across the country.

[1] Edison Electrical Institute ("EEI") is also submitting its comments on the proposed rulemaking and interim final rule issued by the DOE. SCE has reviewed the EEI comments and is in full agreement with those comments. As

In order to accomplish such development, DOE was expressly charged by Congress with acting as the lead agency under the National Environmental Protection Act ("NEPA") for conducting all of the necessary reviews required for Federal authorizations associated with the construction of transmission project on federal lands. See Federal Power Act Section 216(h)(1)(C)(5)(A). Yet, the rulemaking and interim rule proposed by the DOE would give the DOE a much more limited role of "coordinating" the reviews which will still be conducted separately by various federal agencies. Not only is this approach inconsistent with the express language of the statute, it is in direct contradiction to the purpose for which EPAct 2005 was enacted. DOE, acting as the sole agency leading the Federal review process, is an indispensable means to streamline and expedite the construction of a much need transmission infrastructure and to assure the development of renewable energy resources.

Congress clearly recognized that transmission grid expansion could not be accomplished in the western United States without crossing federal lands, and obtaining the necessary approvals from the various effected federal agencies. That is why Congress charged the DOE with the responsibility to harmonize the policies of the Federal agencies from the executive-level offices throughout the agencies, down to the local and regional offices that are making the day-to-day facility siting decisions. The rulemaking promulgated by DOE, however, evidences no real intention to follow this Congressional mandate or to ensure that all other federal agencies coordinate their permitting efforts through DOE in a timely and consistent fashion. Today, the Federal government, in many ways, poses an impediment not only to the expeditious construction of needed transmission infrastructure, but to the development of viable renewable resources and the ability of utilities to bring such resources to serve their respective loads.

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such, SCE will not reiterate all of the points made by EEI, and will instead only focus on several points of particular importance to SCE.

For example, for one SCE transmission project which is needed to deliver up to 4,500 MW of renewable generation, the federal land agency anticipates issuing the Special Use Permit on October 22, 2008, more than 14 months after the agency issued its Record of Decision adopting the project's environmental document. Such a slow process is contributing to delays in interconnecting renewable wind generation in the Tehachapi Wind Resource Area. In fact, SCE is regularly *curtailing wind generation* in the Tehachapi Wind Resource Area because of insufficient transmission infrastructure. That is not what the EPAct 2005 intended – quite the contrary. Unfortunately, unless and until the DOE assumes its responsibilities to lead the federal review process, both the development of the transmission infrastructure and the ability of utilities to access renewable resources will remain stalled. It is absolutely incumbent on the DOE to revise its rules in order to assume the Congressionally-mandated obligation to lead and expedite the Federal authorization process in conjunction with the construction of transmission lines.

SCE appreciates the work that DOE has done in implementing the provisions of EPAct 2005 and encourages the adoption of the recommendations made herein and in the comments submitted by EEI.