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UNITED STATES DEPARTMENT OF ENERGY  
Electricity Delivery and  
Energy Reliability  
BEFORE THE DEPARTMENT OF ENERGY  
OFFICE OF ELECTRIC DELIVERY AND ENERGY RELIABILITY

In the Matter of:

AEP Energy Partners, Inc.

OE Docket No. EA-318-B

SIERRA CLUB'S NOTICE OF INTERVENTION  
AND MOTION TO INTERVENE AND PROTEST

February 9, 2012

Gloria D. Smith, Senior Attorney  
Sierra Club  
85 Second Street, Second floor  
San Francisco, CA 94105  
(415) 977-5532  
[gloria.smith@sierraclub.org](mailto:gloria.smith@sierraclub.org)

Andrea Issod, Staff Attorney  
Sierra Club  
85 Second Street, Second Floor  
San Francisco, CA 94105-3441  
415.977.5544 phone  
[andrea.issod@sierraclub.org](mailto:andrea.issod@sierraclub.org)

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I. Introduction

Pursuant to Rules 211 and 214 of the U.S. Department of Energy's ("Department") Rules of Practice and Procedure and the Department's Notice of January 10, 2012, the Sierra Club hereby moves to both intervene in and protest approval of AEP Energy Partners' application to transmit electric energy from the United States to Mexico.<sup>1</sup>

In accordance with Rule 203(b),<sup>2</sup> communications should be addressed to:

Gloria D. Smith  
Sierra Club  
85 Second St, Second Floor  
San Francisco, CA 94105  
[gloria.smith@sierraclub.org](mailto:gloria.smith@sierraclub.org)  
415-977-5532

Andrea Issod  
Sierra Club  
85 Second St, Second Floor  
San Francisco, CA 94105  
[andrea.issod@sierraclub.org](mailto:andrea.issod@sierraclub.org)  
415-977-5544

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<sup>1</sup> 18 C.F.R. §§ 385.211; 385.214.

<sup>2</sup> 18 C.F.R. §385.203(b).

## II. Background

On December 16, 2011, American Electric Power through its wholly-owned subsidiary, AEP Energy Partners, Inc. (“AEP-EP”) filed an application with the Department seeking to renew authorization to export electricity from the United States to Mexico.<sup>3</sup> AEP-EP’s previous five-year authorization expires on February 22, 2012.<sup>4</sup> The company now seeks approval to export domestic energy to Mexico for a period of ten years.<sup>5</sup> For any export application, companies are required to file “at least six months in advance of the initiation of the proposed electricity export.”<sup>6</sup> Here, AEP-EP filed late and then asked for expedited review of its application.<sup>7</sup> Given the public’s right to participate in this proceeding and the Department’s need to review and evaluate a large quantity of material concerning a ten-year authorization, the company should have met or exceeded the deadline for filing the current application.

## III. Statement of Interest

Sierra Club is a national, non-profit environmental and conservation organization with more than 600,000 members nationwide, 22,000 in Texas and 3,150 in Oklahoma. Its principal place of business is 85 Second St., Second Floor, San Francisco, CA 94105. Through its Beyond Coal campaign, Sierra Club members

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<sup>3</sup> See 77 Fed. Reg. 1474 (Jan. 10, 2012); AEP-EP EA 318B Application (Jan. 12, 2012) (“hereafter AEP-EP App.”).

<sup>4</sup> EA-318A Order at 8.

<sup>5</sup> AEP-EP App. at 2.

<sup>6</sup> 10 C.F.R. § 205.301.

<sup>7</sup> AEP-EP App. at 2.

are working to reduce reliance on coal and replace it with cleaner, less damaging alternatives. The Sierra Club's work includes intervening in efficiency and renewable energy dockets at public utility commissions nationwide, submitting comments in numerous state and federal agency energy-related proceedings and rulemakings, attending and speaking at public hearings, speaking to students and civic and other organizations, and holding seminars and symposia – all in support of policies to reduce the impact of fossil fuel on human health, climate change and the environment by promoting clean energy alternatives and energy efficiency.

United States' energy policy, along with public sentiment, has shifted since 2007, the last time the Department evaluated this action. Over the last several years, the Department and other state and federal agencies have provided power generators with incentives to develop domestic energy supplies, with strong preferences for renewable resources. Those incentives have spurred large scale wind and solar projects. At the same time, the country is quickly moving away from coal-fired generation because its impacts on human health and our environment are increasingly unacceptable. Constructing new coal plants is no longer an option, and recent federal regulations that require utilities to clean up their coal-fired plants have forced power companies to evaluate the feasibility of continuing to operate some of their dirtiest units.

Sierra Club members are affected and actively engaged in fighting against the harmful health effects of pollution associated with coal-fired power plants.

Texans and Oklahomans have been rallying against construction of new coal-fired power plants and working to curb the impacts of existing plants for many years. In the last two and a half years alone, over 5,000 Texans from across the state have spoken out and taken action to mitigate the harmful health effects of coal-fired pollution, as well as the irresponsible water use during a period of record droughts.<sup>8</sup> Oklahomans from across the state traveled to public hearings in Oklahoma City, Tulsa, and Dallas to express their concerns about coal use and their support for regulatory safeguards.<sup>9</sup>

Sierra Club has an interest in this proceeding because its members are directly affected by AEP-EP's proposal to burn more coal in Texas, and a central component of the organization's mission is to reduce reliance on coal and replace it with cleaner, less damaging alternatives. It is imperative that the Department grant Sierra Club's intervention so that it can provide the Department with factual analyses on both the energy supply issues and environmental effects raised by this application.

#### IV. Motion to Intervene

Pursuant to Rule 214, Sierra Club moves to intervene in this docket. Energy exports to foreign countries have the potential to harm human health and the

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<sup>8</sup> Randy Lee Loftis, *Sides raise concerns over coal ash at EPA hearing in Dallas*, Dallas Morning News (Sept. 9, 2010), <http://www.dallasnews.com/news/local-news/20100909-Sides-raise-concerns-over-coal-ash-4306.ece>; Admin, *Texas Protesters: "Stop The Coal Rush!"*, Texas National Press (Feb. 12, 2007), <http://www.texasnationalpress.com/texlog/article.php?story=20070212083756907>.

<sup>9</sup> Clifton Adcock, *Haze Hearing, State and federal environmental regulatory agencies offered plans to reduce air pollution caused by coal-fired power plants.*, Oklahoma Gazette (Apr. 20, 2011), <http://www.okgazette.com/oklahoma/article-11391-haze-hearing.html>.

environment because such exports may result in increased generation at coal-fired power plants which in turn increase pollutant discharges into our air and water. Similarly, public health and the environment could be harmed if clean energy from renewable resources such as wind and solar are exported while coal generation is needed to fulfill domestic needs. According to the application, which indicates AEP-EP will export power from the Oklaunion coal-fired power plant and various wind farms, both of these circumstances are likely to occur. The Department must evaluate the merits of generating power from a dirty source like the Oklaunion coal-fired power plant, and placing the burden of its polluting emissions on local populations while another country enjoys affordable power without the impacts.

The Sierra Club opposes this application. However, before the Department can even evaluate a ten-year authorization to export electricity to Mexico, it must fully assess all of the environmental impacts of the proposed export, along with the impacts on the reliability of the domestic electric system. Given Sierra Club's extensive membership and work in cleaning up the United States' energy sector, Sierra Club has a direct interest in the outcome of this proceeding that no other party can represent. Finally, Sierra Club's participation is in the public interest.

## V. Protest

Before the Department can grant AEP-EP's ten-year authorization to export energy to Mexico, it must find that the export will not impair the sufficiency of the

U.S. electric supply or impede regional coordination.<sup>10</sup> Additionally, the Department must analyze the environmental impacts of such exports and then disclose those impacts in an environmental impact statement pursuant to the National Environmental Policy Act (“NEPA”).<sup>11</sup>

Based on the material AEP-EP has submitted to date, the Department cannot adequately assess either of the above statutory requirements. AEP-EP’s application omitted basic information about the quantity of power to be exported, and where and how it would be produced. All the application reveals is that “[t]he source of such energy and capacity for export is primarily from purchases on the wholesale market in addition to purchase agreements that AEP Energy Partners has entered with the owners of the coal-fired Oklaunion Unit No. 1 near Vernon, Texas and various wind farms in the state of Texas.”<sup>12</sup> This is woefully inadequate.

The Department provided Sierra Club with the company’s quarterly reports, but those provided little insight, and do not contain any information from the summer of 2011, a time period when Texas claims it came perilously close to forced outages.<sup>13</sup> A significant amount of energy and capital is at stake. In July 2010, for example, AEP-EP sent 15,862 megawatt hours (“MWh”) of power to Mexico for a sum of \$357 million.

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<sup>10</sup> 16 U.S.C. § 824a(e).

<sup>11</sup> 42 U.S.C. § 4321 *et seq.* and the Department’s NEPA regulations at 10 C.F.R. Part 1021.

<sup>12</sup> AEP-EP App. at 2.

<sup>13</sup> The Department provided the Sierra Club with AEP-EP’s quarterly reports up to April 2011, which show only the total amount of power exported and the total funds received for each transaction.

Sierra Club endeavored to research issues surrounding the application on its own because it is impossible to fully assess what the company is proposing to do based on the current file. Several different AEP entities own and operate Oklaunion, a 720-megawatt ("MW") coal-fired power plant located close to the Oklahoma border in Vernon, Texas.<sup>14</sup> AEP-EP was formed specifically to conduct AEP's wholesale business within the Electric Reliability Council of Texas ("ERCOT"),<sup>15</sup> the service provider that manages the vast majority of the Texas electricity grid. As explained in further detail below, serious questions about the electricity system's reliability in Texas have been raised by ERCOT, the state of Texas, and the North American Reliability Corporation ("NERC"). Accordingly, Sierra Club protests the inadequacy of AEP-EP's filing.

**A. The Department Must Hold A Hearing To Ensure the Application Conforms with the Federal Power Act**

Pursuant to section 202(e) of the Federal Power Act and the Department's regulations, the Department must evaluate whether the proposed transmission:

- 1) Would impair the sufficiency of electric supply within the United States or;
- 2) Would impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Commission.<sup>16</sup>

The Department cannot make an informed decision based on these factors absent additional information from AEP-EP. As noted above, ERCOT, the state of Texas

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<sup>14</sup> AEP News Release, *AEP to sell TCC share of Oklaunion to facility co-owner; Brownsville Public Utilities Board exercises right of first refusal*, (June 4, 2004), <http://www.aep.com/investors/newsreleasesandemailalerts/financialNews.aspx?id=1127>.

<sup>15</sup> See AEP-EP App. at 3.

<sup>16</sup> 16 U.S.C. § 824a(e); see also 10 C.F.R. § 205.302(g).



and NERC have all claimed that Texas' grid is in jeopardy;<sup>17</sup> yet AEP-EP made no mention of this important issue when its application assured the Department of sufficient electricity supply for the next ten years.

Specifically, AEP-EP did not disclose that ERCOT and the state of Texas recently argued in federal court that enactment of a new EPA regulation, known as the cross-state air pollution rule, should be blocked based on supply issues.

According to ERCOT and the State: "if the Final Rule had been in effect this year, rotating blackouts would have occurred in August."<sup>18</sup> AEP apparently agreed with ERCOT's analysis because it included ERCOT's reliability report as an exhibit to its own legal brief to the court in support of a request to stay the cross-state rule.<sup>19</sup>

ERCOT and the State claimed that the rule could require coal units to go offline to reduce emissions, which would cause resource shortfalls in Texas. An ERCOT manager testified on record-breaking demand, and stated that "currently installed level of generating capacity is barely sufficient to avoid rotating outages with the level of demand experienced in 2011."<sup>20</sup> In the federal court filings, ERCOT also claimed that the reliability situation in Texas was very serious. "Such outages

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<sup>17</sup> In the interest of full disclosure, Sierra Club is on record questioning the robustness of ERCOT's reliability assessment; however, such questions underscore the Department's need to allow full discovery and a hearing to determine the overall availability of electric power in the region.

<sup>18</sup> Petitioners' Motion for Stay at 24, *EME Homer City Generation, L.P. v. EPA*, No. 11-1302 (D.C. Cir. Sept. 22, 2011), Doc 1331220.

<sup>19</sup> AEP's Response in Support of Petitioners' Motion for Stay, Ex. 6, *id.*, No. 11-1302 (D.C. Cir. Dec. 7, 2011), Doc 1340481.

<sup>20</sup> Luminant's Motion for Partial Stay, Ex. 9, Declaration of Warren P. Lasher at ¶26, *Luminant v. EPA*, No. 11-1302 (D.C. Cir. Sept. 15, 2011), Doc 1329866. On August 3, 2011, capacity exceeded demand by only 1,210 MW, or less than 2%. *Id.* ¶24.

create health and safety concerns because they compromise critical services; they could literally endanger lives.”<sup>21</sup> Related filings by Luminant also claimed that “an absence of reliable power will lead companies to relocate and otherwise slow economic development.”<sup>22</sup>

ERCOT’s statements raise critical reliability questions that the Department must evaluate before it approves AEP-EP’s request. To wit, how much electric energy did AEP-EP ship to Mexico in the summer of 2011 when the grid in Texas may have been on the brink of failure? Because AEP-EP did not submit export reports after April 2011, the Department needs further information to answer this question.

In its most recent annual reliability report, NERC, the agency responsible for ensuring the reliability of the North American bulk power system, has also raised significant concerns about Texas. In its 2011 reliability assessment, NERC projected that ERCOT will not have adequate reserve margins in 2013, which “rais[es] significant concerns of resource adequacy.”<sup>23</sup> NERC recommends that “[m]ore resources will be needed in Texas to support projected peak demand, potentially significant generator retirements, and an increased need for reserve capacity to support variable generation.”<sup>24</sup>

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<sup>21</sup> *Id.* ¶38.

<sup>22</sup> *Id.*, Ex. A to Declaration of M. Ray Perryman, PhD at 242.

<sup>23</sup> NERC 2011 Long Term Reliability Assessment, at 5-6, (Nov. 2011), [http://www.nerc.com/files/2011%20LTRA\\_Final.pdf](http://www.nerc.com/files/2011%20LTRA_Final.pdf).

<sup>24</sup> *Id.* at 9.

Aside from failing to address apparent reliability concerns, AEP-EP's application did not satisfy the minimum regulatory requirements. AEP-EP omitted any "technical discussion" on how the proposed export will not "impair the sufficiency of electric supply on its system" and "why the export will not impede or tend to impede the regional coordination of electric utility planning or operation."<sup>25</sup> The company did not provide maps that highlight the "facilities or the proposed facilities to be used for the generation and transmission of the electric energy to be exported."<sup>26</sup> Indeed, the application did not reveal the type of facilities to be used for generation, save the one reference to the Oklaunion coal-fired plant and vague reference to "various" wind farms in Texas. Finally, AEP-EP did not demonstrate how it will inform neighboring utilities of available capacity and energy before delivering these resources to another country.<sup>27</sup> This is particularly relevant given ERCOT, NERC, and the state of Texas have publicly cautioned that readily available capacity may be in short supply.

In short, given the facts gleaned from outside sources described above, the Department cannot simply rely on AEP-EP's inadequate application materials to renew its 2007 authorization, as AEP-EP requests. Circumstances have changed since 2007. According to the Department's regulations, AEP-EP was required to inform the Department and the public on "the applicant's present and prospective

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<sup>25</sup> 10 C.F.R. § 205.302(g).

<sup>26</sup> *Id.* § 205.303(c).

<sup>27</sup> *Id.* § 205.303(f), Ex. F; *see* AEP-EP App. at 10.

electric power supply system,” rather than rely on 2007 data.<sup>28</sup>

In recent court filings and reports, ERCOT, Texas, and NERC have raised capacity issues that must be addressed here. Additionally, AEP-EP must provide further information on how much power it will export, where such power is generated, and how it will inform neighboring utilities of available capacity before exporting it. Until the Department gathers and considers this highly relevant information, it cannot lawfully consider AEP-EP's application.

**B. The Department Must Prepare an Environmental Impact Statement That Conforms with NEPA**

The Department did not evaluate the environmental impacts associated with AEP-EP's previous export application; instead it found the action categorically excluded from full analysis under NEPA.<sup>29</sup> The Department's failure to fully analyze and disclose the environmental impacts of burning coal was improper in 2007, and it would be improper for this authorization today. Reliance on a categorical exclusion violates NEPA because it impermissibly narrows the analysis to impacts associated with the transmission system only.<sup>30</sup> A proper NEPA review must analyze the impacts coal-fired power plants can have on human health and air and water quality. Burning coal causes significant environmental harm through emissions of toxic mercury, particulate matter, ozone-generating pollutants, and other pollutants that adversely impact human health, regional air quality and

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<sup>28</sup> See 10 C.F.R. § 205.303(c).

<sup>29</sup> See EA-318A Order at 5 (citing 40 CFR Part 1021, Appendix B to Subpart D, paragraph B4.2).

<sup>30</sup> *Id.* at 5.

visibility.<sup>31</sup> Coal emissions contaminate the region's land and waterways, and contribute to global warming. Coal-fired energy can also negatively impact natural ecosystems and wildlife, and it uses more water than renewable energy options like solar, wind or energy efficiency.

The deleterious effects of coal-fired power are very well documented in the scientific literature.<sup>32</sup> In particular, air pollution from coal-fired power plants in Texas and Oklahoma have created serious air quality problems. Texas leads the nation in soot and smog pollution, and Texas coal plants send their pollution across state borders, impacting the public health and economies of Oklahoma and other states. Last year, nearly half of Texas' air quality monitors indicated violations of ozone standards,<sup>33</sup> and portions of Oklahoma also exceeded the acceptable ozone limit.<sup>34</sup> Air quality in both Texas and Oklahoma reach such hazardous levels that both states are forced to issue ozone alerts to the public, warning people with existing heart or respiratory ailments to reduce physical

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<sup>31</sup> In 2010, for example, Oklahoma generated 3,486 tons of sulfur dioxide, 6,495 tons of nitrous oxides, almost 4 million tons of carbon dioxide, and 140 tons of mercury. See, e.g. U.S. EPA, Coal Unit Characteristics (2010), <http://www.epa.gov/airmarket/images/CoalUnitCharacteristics2010.xls>; U.S. EPA, Tri Explorer, Releases: Facility Report, American Electric Power Oklahoma Plant (2011), [http://iaspub.epa.gov/triexplorer/release\\_fac?p\\_view=COFA&trilib=TRIQ1&sort=VIEW\\_&sort\\_fmt=1&state=48&county=48487&chemical=All+chemicals&industry=ALL&year=2010&tab\\_rpt=1&fld=RELLBY&fld=TSFDSP](http://iaspub.epa.gov/triexplorer/release_fac?p_view=COFA&trilib=TRIQ1&sort=VIEW_&sort_fmt=1&state=48&county=48487&chemical=All+chemicals&industry=ALL&year=2010&tab_rpt=1&fld=RELLBY&fld=TSFDSP).

<sup>32</sup> See, e.g., Clean Air Task Force, *The Toll from Coal, An Updated Assessment of Death and Disease from America's Dirtiest Energy Source*, (Sept. 2010), [http://www.catf.us/resources/publications/files/The\\_Toll\\_from\\_Coal.pdf](http://www.catf.us/resources/publications/files/The_Toll_from_Coal.pdf); Paul R. Epstein; Jonathan J. Buonocore, et al., *Full cost accounting for the life cycle of coal in "Ecological Economics Reviews."* Ann. N.Y. Acad. Sci. 1219: 73-98, (2011).

<sup>33</sup> TCEQ, *Four Highest Eight-Hour Ozone Concentrations in 2011 as of December 31*, [http://www.tceq.state.tx.us/cgi-bin/compliance/monops/8hr\\_4highest.pl](http://www.tceq.state.tx.us/cgi-bin/compliance/monops/8hr_4highest.pl)

<sup>34</sup> OK Dept. of Env't, *OK Ozone Highest 8 Hour Averages* (2011), <http://www.deq.state.ok.us/AQDnew/monitoring/archcharts/oz8hr11.htm>.

exertion and outdoor activity.<sup>35</sup>

Under NEPA, before a federal agency can take a “major federal action significantly affecting the quality of the human environment,” the agency must prepare an environmental impact statement (“EIS”).<sup>36</sup> “An EIS is a thorough analysis of significant environmental impacts and ...inform[s] decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.”<sup>37</sup> An EIS is an action-forcing device to ensure that the policies and goals defined in the statute are safeguarded in ongoing federal programs and actions.<sup>38</sup>

Pursuant to NEPA’s implementing regulations, in order to determine the scope of environmental review, agencies must consider connected actions which include those actions that are “closely related” or “cannot or will not proceed unless other actions are taken previously or simultaneously” or “are interdependent parts of a large action and depend on the larger action for their justification.”<sup>39</sup> Exporting power to another nation via the United States’ transmission system cannot be separated from the necessary action of burning more coal to produce that power.<sup>40</sup>

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<sup>35</sup> Staff Reports, *Ozone alert issued Sunday for Oklahoma City; temperatures climb back into triple digits*, NewsOK, (Aug. 28, 2011), <http://newsok.com/ozone-alert-issued-sunday-for-oklahoma-city-temperatures-climb-back-into-triple-digits/article/3599125#ixzz1lqMwHFbf>; Natalie Stoll, *Air quality alert for Sunday*, KXAN.com; Weather Blogs (Aug. 27, 2011), <http://blogs.kxan.com/2011/08/27/air-quality-alert-for-sunday/>.

<sup>36</sup> 42 U.S.C. § 4332(C)(i).

<sup>37</sup> 40 C.F.R. § 1502.1.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* § 1508.25(a)(1)(ii), (iii).

<sup>40</sup> See 40 C.F.R. § 1021.410 (listing determinations DOE must make before applying exclusion); 40 C.F.R. § 1508.25(a)(1)(ii) (definition of connected actions).

In other words, full NEPA analysis extends to this application because *but for* the burning of additional fossil fuels, AEP-EP would not have available to it additional power to transmit to Mexico on the U.S. transmission system.<sup>41</sup>

The Department cannot apply a categorical exclusion when there are “extraordinary circumstances” or if there is a “connected action” with significant environmental impacts.<sup>42</sup> As shown, burning more coal in the U.S. is both indisputably connected to exporting electricity to Mexico and has significant harmful impacts that constitute extraordinary circumstances in this case.

More broadly, a NEPA categorical exclusion is improper because this NEPA devise only concerns “a category of actions which do not individually or cumulatively have a significant effect on the human environment...”<sup>43</sup> Accordingly, categorical exclusions are reserved for ministerial actions like “payroll processing, data collection, conducting surveys, or installing an electronic security system in a facility.”<sup>44</sup> In 2010, the Council for Environmental Quality (“CEQ”) updated its guidance on categorical exclusions, and warned agencies that “[i]f used inappropriately, categorical exclusions can thwart NEPA's environmental stewardship goals, by compromising the quality and transparency of agency environmental review and decisionmaking, as well as compromising the opportunity

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<sup>41</sup> See *Thomas v. Peterson*, 753 F.2d 754, 758 (9th Cir. 1985) (holding timber sales and road construction are connected actions because “the timber sales cannot proceed without the road, and the road would not be built but for the contemplated timber sales.”).

<sup>42</sup> See 40 C.F.R. § 1021.410 (listing determinations DOE must make before applying exclusion); 40 C.F.R. § 1508.25(a)(1)(ii) (definition of connected actions).

<sup>43</sup> 40 C.F.R. § 1508.4.

<sup>44</sup> 75 Fed. Reg. 75628, 75632 (Dec. 6, 2010).

for meaningful public participation and review.”<sup>45</sup> The CEQ also advised that agencies should review their own categorical exclusions at least every seven years for reasons that are particularly applicable to the case at hand.<sup>46</sup> “Agencies should exercise sound judgment about the appropriateness of categorically excluding activities in light of evolving or changing conditions that might present new or different environmental impacts or risks. The assumptions underlying the nature and impact of activities encompassed by a categorical exclusion may have changed over time.”<sup>47</sup> Given all of the reliability and environmental concerns raised by this action, the Department may not rely on a categorical exemption. Sierra Club requests that the Department prepare an EIS on the whole of the export action.

#### VI. Request for a Hearing

Based on the substantial questions raised by AEP-EP’s application, including evidence that a full NEPA review is warranted and evidence that the application omitted information regarding potential impacts on reliability, Sierra Club respectfully requests a hearing for which Sierra Club may conduct discovery, cross-examine AEP-EP’s witnesses and present testimony and evidence in opposition to AEP-EP’s application.

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<sup>45</sup> *Id.* at 75632.

<sup>46</sup> *Id.* at 75637. The Department’s categorical exclusion for exporting power was enacted in 1992. *See* 57 Fed. Reg. 15144 (Apr. 14, 1992), as amended at 61 Fed. Reg. 36239-42 (July 9, 1996). Review is overdue.

<sup>47</sup> *Id.* at 75637 (emphasis added).



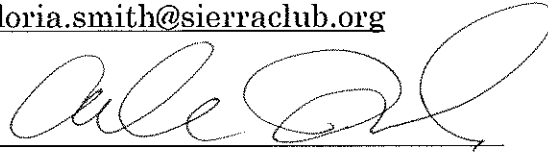
## VII. Conclusion

For the reasons described above, Sierra Club respectfully requests that the Department grant this motion to intervene and designate Sierra Club a party to this proceeding with all of the attendant rights thereto. Sierra Club's participation will advance the public interest of full disclosure and an assessment of the environmental effects and energy supply issues associated with the AEP-EP application. Sierra Club requests that the Commission set a formal hearing, at which the merits of AEP-EP's application may be explored. Finally, Sierra Club requests that the Department prepare an EIS that analyzes the power supply, environmental and human health effects of the proposed sale of power to Mexico and considers less harmful alternatives including a no action alternative that would result in less coal pollution in Texas and the region, and greater availability of clean energy sources.

Dated: February 9, 2012

Respectfully Submitted,

Gloria D. Smith  
Sierra Club  
85 Second Street, Second floor  
San Francisco, CA 94105  
(415) 977-5532  
[gloria.smith@sierraclub.org](mailto:gloria.smith@sierraclub.org)

A handwritten signature in black ink, appearing to read 'Andrea Issod', written over a horizontal line.

Andrea Issod  
Sierra Club  
85 Second Street, Second floor  
San Francisco, CA 94105  
(415) 977-5544  
[andrea.issod@sierraclub.org](mailto:andrea.issod@sierraclub.org)

Certificate of Service

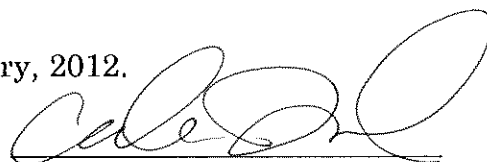
I hereby certify that I have served the foregoing Notice of Intervention and Motion to Intervene and Protest in OE Docket No. EA-318-B by next day air via Federal Express and Electronic Mail on the following parties:

Christopher Lawrence  
Office of Electricity Delivery and Energy  
Reliability, Mail Code: OE-20, U.S.  
Department of Energy, 1000  
Independence Avenue SW.,  
Washington, DC 20585-0350  
[Christopher.Lawrence@hq.doe.gov](mailto:Christopher.Lawrence@hq.doe.gov)

Jay E. Jadwin  
Chief Counsel  
American Electric Power Service  
Corporation  
155 W. Nationwide Blvd., Suite 500,  
Columbus, OH 43215  
[jejadwin@aep.com](mailto:jejadwin@aep.com)

Carolyn Y. Thompson  
Jones Day  
51 Louisiana Avenue  
NW., Washington,  
DC 20001-2113  
[carolynthompson@jonesday.com](mailto:carolynthompson@jonesday.com)

Dated in San Francisco, CA, this 9th day of February, 2012.



Andrea Issod  
Sierra Club  
85 Second Street, Second floor  
San Francisco, CA 94105  
(415) 977-5544  
[andrea.issod@sierraclub.org](mailto:andrea.issod@sierraclub.org)