

September 30, 2013

Ms. Julie A. Smith
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
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Submitted via email to: juliea.smith@hq.doe.gov

Re: Improving Performance of Federal Permitting and Review of Infrastructure Projects, Request for Information

Dear Ms. Smith:

Lake Erie CleanPower Connector, LLC (“LECPC”) appreciates the opportunity to provide comments to the Department of Energy (“DOE”) in response to the above-referenced Request for Information (“RFI”) regarding the draft Integrated, Interagency Pre-Application (“IIP”) Process for significant onshore electric projects requiring Federal Authorization(s).

LECPC is currently developing a 60-mile high-voltage direct current transmission line of up to 2,000 megawatts, which will originate in Nanticoke, Ontario, Canada, and terminate in Erie, Pennsylvania. LECPC applauds the efforts of the DOE to improve the efficiency, effectiveness, and predictability of the transmission siting, permitting, and review process, in part through increasing interagency coordination and transparency.

In support of DOE’s efforts, LECPC respectfully submits the following comments regarding the draft IIP Process:

I. Clarification Regarding the Definition of Qualifying Projects

Under the draft IIP Process, only “non-marine” projects meeting certain criteria are eligible to participate in the IIP Process (“qualifying projects”). The draft IIP Process, however, does not define “marine” or “non-marine.” The American Heritage Dictionary defines marine as “of or pertaining to the sea.” Under this definition, a project such as that proposed by LECPC, which will run through Lake Erie, would be eligible for consideration as a qualifying project because it does not run through any sea. However, since “marine” and “non-marine” are not defined, they may have different intended meanings in the context of the draft IIP Process. Therefore, LECPC requests that DOE provide a definition of “non-marine” projects in the final IIP Process to clarify which projects may participate in the IIP Process.

II. Participation in IIP Process Should Remain Voluntary

The draft IIP indicates that developers of qualifying projects “may elect” to utilize the IIP Process. LECPC agrees that participation in the IIP Process should remain voluntary for developers that are already engaged in the siting and permitting process for qualifying projects, as well as for developers of future qualifying projects. LECPC requests that the DOE maintain the voluntary participation aspect of the IIP Process in the final rule.

For companies such as LECPC, which have already engaged in extensive outreach to a wide array of stakeholders, including federal, state, and local entities, being compelled to participate in the IIP Process may introduce unnecessary redundancies and inefficiencies into the permitting process. LECPC has accomplished, and continues to accomplish, much of what the IIP Process contemplates, including public and resource agency outreach and feedback. LECPC, therefore, does not believe it would need to avail itself of the IIP Process. Furthermore, given the progress it has made with its permitting activities, participation in the IIP Process could significantly delay LECPC’s development schedule.

Even for those developers that have not yet commenced the outreach and permitting process, maintaining the voluntary nature of the IIP Process is critical. While the IIP Process is likely to be helpful to developers that have little experience with the siting and permitting process, it may not result in permitting efficiencies for experienced developers committed to conducting diligent pre-application outreach. Further, because the draft IIP Process also contemplates cost recovery for federal entities participating in the IIP Process, the cost of participating in the IIP Process might also be prohibitive to entities involved in early-stage development activities. Therefore, making participation in the IIP Process mandatory might have the unintended effect of discouraging future transmission projects.

III. More Certainty Should Result From Participation in the IIP Process

LECPC understands that the IIP Process will consist of, at a minimum, four meetings: the Initial Meeting, Study Corridors Meeting, Routing Meeting, and Final Meeting. The result of this entire process is that, at the Final Meeting, the involved federal entities will provide guidance regarding certain identified areas, including “key issues of concern to the agencies and public,” “potential mitigation measures anticipated for the project,” and “the estimated time to make decisions for...Federal Authorizations.” However, as is reiterated with slight variations at multiple points in the draft IIP Process, “[f]eedback provided by the Federal agencies is preliminary.”

While LECPC recognizes that agencies cannot commit to specific findings in the pre-application stage, or pre-judge a project prior to NEPA review, the significant time and commitment of resources that a developer will make to the IIP Process requires some level of certainty. At a minimum, a developer should have some assurance at the end of the IIP Process that a proposed project can be permitted (or, alternatively, a project is unlikely to be permitted) and the likely scope of conditions required for each permit. By doing so, the IIP Process will

result in tangible benefits for the developer because it will inform -- based on all of the information available at the conclusion of the Final Meeting -- decisions about whether to continue to deploy capital. Additionally, it would avoid any "surprises" during the actual permitting process, assuming there are no new significant impacts identified after the Final Meeting. Providing more certainty to developers at the end of the IIP Process will likely facilitate developer participation in the IIP and justify a developer's commitment of resources to the milestones and deadlines established by the IIP.

Please do not hesitate to contact the undersigned with any questions regarding the comments contained in this letter.

Respectfully submitted,



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