

February 27, 2012

Proposed 216 (h) Regulations
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Ave. SW.,
Washington, D.C. 20585

Attention: Brian Mills (Office of Electricity Delivery and Reliability)

Subject: Southern California Edison Company comments on the Proposed 216 (h) Regulations

Southern California Edison (SCE) appreciates the opportunity to provide comments on the Department of Energy's Notice of Proposed Rulemaking on the Coordination of Federal Authorizations for Electric Transmission Facilities (Rule). SCE is an investor-owned public utility primarily engaged in the business of supplying electricity to our customers. We are one of the nation's largest electric utilities serving a population of nearly 14 million via 4.9 million customer accounts throughout a 50,000-square-mile service area within central and southern California

SCE provides these comments as constructive improvements on a topic of importance to our utility operations and customers. SCE plans, obtains approval for, constructs, owns and operates transmission infrastructure to meet transmission network reliability needs in an environmentally sensitive, safe, and cost-effective manner. In addition, in support of the ambitious renewable energy procurement goals of the State of California and the Nation-wide goals of increasing our renewable energy footprint, we look forward to assisting in the discussion to help improve the timeframe for transmission planning, approval, and construction.

Below are SCE's comments and questions:

A. Comments Applicable to § 900.1 ("Purpose"):

It is unclear how this proposed rule integrates with the Administration's Interagency Rapid Response Team for Transmission (RRTT). Both the Administration's website for the RRTT and this Notice of Proposed Rule (NOPR) cite the 2009 Memorandum of Understanding Regarding Coordination in Federal Agency Review of Electric Transmission Facilities on Federal Land (MOU) among nine federal agencies for the coordination of efforts on transmission and rapid responses to challenges. SCE recommends that the Rule define how the RRTT will be utilized in the DOE permitting process. We suggest that DOE utilize the RRTT as a forum for resolving

issues raised among federal agencies involved in an individual transmission project licensing process.

B. Comments Applicable to § 900.2 (“Applicability”):

We encourage the DOE to include state permitting agencies in the coordination process wherever feasible. Recently, the Governor of California signed a Memorandum of Understanding with the Department of Interior (DOI) which addressed coordination of transmission planning between the DOI and the state. That MOU can be accessed through the following link:

<http://www.doi.gov/news/pressreleases/loader.cfm?csModule=security/getfile&pageid=274678>.

SCE believes that similar agreements between each state’s permitting agencies and the DOE would be beneficial in terms of coordinating efforts and timeframes for review and approval of transmission projects by state and local permitting agencies.

In addition to the need for broader coordination with other agencies, additional coordination with other federal energy regulatory agencies should be explored. As currently drafted, the Rule does not clearly explain how DOE would coordinate activities with the Federal Energy Regulatory Commission (FERC). For example, the Notice does not explain how coordination would be implemented where the project at issue would also be eligible to utilize the FERC backstop authority in National Interest Electric Transmission Corridor (NIETC) designated areas. SCE believes that for NIETC Qualified Projects, coordination assistance from the DOE should be at the discretion of the applicant in these circumstances, similar to the treatment of interstate, but non NIETC projects.

C. Comments Applicable to § 900.6 (“Selection of a Lead Agency and Coordination of Permitting and Related Environmental Reviews”):

There may be instances where there will not be a federal administered lands agency (e.g. U.S. Bureau of Land Management or U.S. Forest Service) to serve as a lead agency for coordination of permitting and related environmental reviews. However, there may be other federal agencies with some type of permitting authority, such as the U.S. Army Corps of Engineers (because of jurisdictional wetlands) or U.S. Fish and Wildlife Service (because of potential impacts to federally listed species). SCE recommends that the proposed Rule be revised to specify that DOE should take the lead role, in circumstances where there are no federal administered land agencies to facilitate the permitting process with cooperating agencies.

D. Comments Applicable to § 900.11 (“Deadlines for All Permit Decisions and Related Environmental Reviews Pursuant to the Federal Power Act”):

SCE agrees with the approach of establishing a committed schedule with the lead and cooperating agencies. However, this proposed Rule does not take into consideration the complexity of comments on documents and reports subject to public review (including but not limited to documents prepared under the National Environmental Policy Act) and the length of time needed, in some cases, to respond to those comments. In addition, the proposed Rule does not address the timeframes and schedules involved in developing a document like a Draft Environmental Impact Study, which can take several years to develop.

SCE proposes that if the one-year timeframe for review cannot be met, that the agency provides the applicant with an appropriate notification that specifies the updated schedule. We suggested that such notification be provided at least 90 days before the end of the one-year period of the original timeframe cannot be met. In addition, the applicants should be involved in the coordinated process, and should be given an opportunity to provide inputs and responses to the lead and cooperating agencies when deadlines cannot be met.

Conclusion:

SCE has had an opportunity to construct several transmission line projects in support of the transport of renewable energy. We see the value of a lead federal agency coordinating cooperating agencies and streamlining the process to reduce the timeframe to construction. A reduction in this timeframe would be extremely valuable in bringing wholesale renewable energy to the load centers where it is needed. We thank you for the opportunity to provide feedback and input into the proposed rulemaking.

Sincerely,

A handwritten signature in black ink, appearing to read "Nino Mascolo", written in a cursive style.

Nino Mascolo
Manager, Government Lands and Forestry
Southern California Edison Company