

*Via electronic mail at [Lamont.Jackson@hq.doe.gov](mailto:Lamont.Jackson@hq.doe.gov)*

*And US Mail*

March 27, 2012

Lamont Jackson  
Office of Electricity Delivery and Energy Reliability  
Mail Code: OE-20  
US Department of Energy  
1000 Independence Avenue SW  
Washington, DC 20585

RE: Request for Information; OE Docket No. RRTT-IR-001;  
Permitting Transmission Lines in the United States

Dear Mr. Jackson:

Enclosed is a response to the department's Request for Information regarding the permitting of transmission line infrastructure in the United States. These comments are being provided by the SunZia Southwest Transmission Project.

SunZia is one of seven pilot projects recently selected by the Rapid Response Team for Transmission. We are pleased to provide this information for consideration. Do not hesitate to contact me with any questions that might arise.

Sincerely,

Tom Wray  
Project Manager

Cc: Laura Morton, Department of Energy  
Ruchi Sadhir, Department of Interior  
Cindy Freeman, SunZia Project  
Tom Champion, SunZia Project

Enclosure.

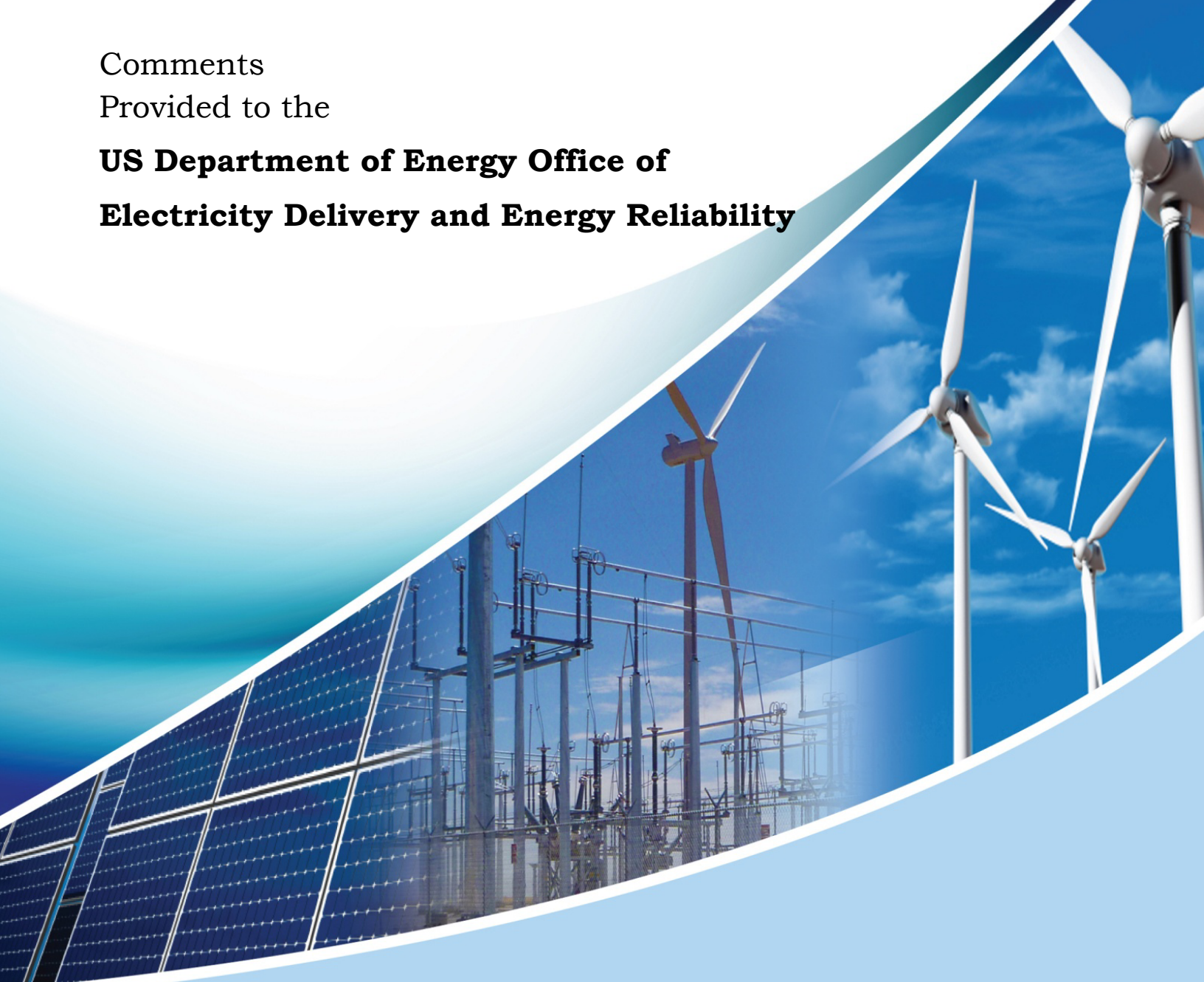


## ***SunZia Southwest Transmission Project***

Comments

Provided to the

**US Department of Energy Office of  
Electricity Delivery and Energy Reliability**



### ***Request for Information Relating to the Permitting of Transmission Lines***

Submitted as of  
March 28, 2012

## **1.0 Background.**

SunZia Southwest Transmission Project (SunZia or the Project) is a joint development effort currently underway in Arizona and New Mexico. The Project definition includes licensing, permitting, financing, constructing and operating up to two 500 kilovolt alternating current (AC) transmission lines and up to five interconnecting substations. The Project will create an estimated 3,000 megawatts of new transmission capacity between south-central New Mexico and south-central Arizona. Through interconnections with the existing high voltage transmission grid enabled by SunZia's planned substations, generators, which are likely to be renewable electricity generators in light of the Project's location, will be able to gain access to electricity markets and customers in the southwestern United States. Interconnections with both existing and permitted 500 kilovolt AC transmission facilities at SunZia's western terminus will provide power transfer paths to markets in Arizona, California and Nevada.

A "hybrid" electrical configuration is also being studied that would allow the project to construct and operate one of the two 500 kilovolt circuits as a direct current (DC) bipolar transmission facility. This AC/DC configuration would allow SunZia's power transfer rating to rise to an estimated 4,500 megawatts.

The Project is a joint development undertaking of the following organizations: Southwestern Power Group II, LLC; ECP SunZia, LLC; Shell WindEnergy, LLC; Salt River Agricultural Improvement and Power District; Tucson Electric Power; and, Tri-State Generation and Transmission Association, Inc. Southwestern Power Group acts as project manager for all development activity for SunZia's owner group.

Thus, the owner group is a hybrid organization that includes electric utilities, a wind generation developer and a merchant transmission project developer.

In connection with the rights-of-way (ROW) acquisition process across Bureau of Land Management (BLM)-administered lands, SunZia is undergoing environmental examination pursuant to the National Environmental Policy Act (NEPA). In order to comply with NEPA, an Environmental Impact Statement (EIS) is being prepared by the BLM, the federal lead agency. The Notice of Intent (NOI) to conduct the EIS was filed by the BLM in late May 2009. A Draft EIS is anticipated to be available for public review during April 2012. There are thirteen cooperating agencies involved in this NEPA process.

Following issuance of the Final EIS, SunZia will initiate state siting processes in both Arizona and New Mexico. The Project hopes to conclude all permitting efforts by the Second Quarter of 2013. If a ROW is issued, the earliest commercial operation of the Project is estimated to occur by the first quarter of 2016.

The responses provided herein to the Department of Energy, Office of Electricity Delivery and Energy Reliability to this Request for Information are limited solely to the

development of interstate extra high voltage transmission facilities planned, developed, permitted, financed, constructed and operated in the Western United States.

## **2.0 Discussion of Specific Inquiries.**

### **2.1 Incongruent Development Times (IDTs).**

#### **(a) Discuss the challenges created by IDTs**

Interstate transmission developed in the West will inevitably trigger environmental examination subject to the NEPA, primarily due to the abundance of lands in the West under management by the federal government. The time required to complete NEPA can run from a minimum of one year for either a Finding of No Significant Impact or a Categorical Exclusion, to five-to-eight years' for an EIS. The duration required to complete an EIS will depend on several factors, including: magnitude of the project (length; voltage; type (AC, DC or hybrid)); number of counties and states crossed; number and kind of land jurisdictions impacted; extent of effects on local and regional military operations; nature of species and habitats encountered; and, other factors and considerations.

State-level permitting authorities have their own transmission siting protocols that typically function independently of NEPA and may or may not recognize the preferred alternative for a proposed action resulting from the Final EIS and Record of Decision (ROD). In most instances states will allow incorporation by applicants of the NEPA documents and decisions in the process of seeking state siting approvals for interstate transmission projects. However, such incorporation does not usually relieve the applicant of building a separate record in the state process in pursuit of state siting approval. And as importantly, the siting criteria and resource examination required by many states bears only slight similarity to the environmental resources examined under NEPA, for which impacts and mitigation are documented in the NEPA record.

As most state siting authority is usually placed with state Public Utility Commissions (PUC), it is unsurprising that the primary investigations in state siting proceedings include creating evidence that the proposed transmission facility does not denigrate electrical reliability inside the state, does not unjustifiably impact retail rates paid by citizens of the state and does not amount to duplication of electrical facilities, thereby truly representing a least-cost option. Thus primary drivers in state siting procedures include the project's economics and contribution to regional electrical reliability. Environmental impacts are considered, but in many state jurisdictions, such evaluation is secondary to reliability and cost matters.

Further contributing to siting confusion (and a need to juggle schedules for filing various applications in different jurisdictions) is the fact that in many states, counties retain primary siting jurisdiction through their zoning authority. Such an arrangement can often create conflicts in siting determinations with other counties and with the



state PUC. Such standoffs are common and are almost always the result of political differences among local jurisdictions.

A transmission project subjected to a lengthy NEPA calendar, while at the same time trying to keep county commissions and state public utility jurisdictions apprised of permitting status, can find itself in a state of oscillation among competing authorities. Such confusion can reach the point that project investor fatigue is achieved and unending delay results in project abandonment, usually after huge sums of money have been spent.

Among investors in domestic energy projects, transmission projects are viewed as being, by far, the most difficult and risky of undertakings and only those with the capital and stamina for risk will get involved in them. Today's reality stands in stark contrast to the intent of Congress when it enacted the Energy Policy Act of 1992 (EPAct 1992). Indeed this legislation, among other things, contained the central purpose of attracting new market entrants to the development, ownership, financing, construction and operation of transmission and generation resources in the country. Order 888, later promulgated by the federal Energy Regulatory Commission, created an historic transmission interconnection and service protocol that opened the high voltage grid to competition, ending decades of control of this market sector by vertically integrated incumbent utilities.

As the Rapid Response Team for Transmission evaluates methods and procedures to create new efficiencies in transmission project permitting, it would be appropriate to consider the congressional intent associated with EPAct 1992, as amended.

Incongruent Development Times (IDTs) as described above most certainly contribute to the entropy of developing a complicated transmission project. *However, the absence of a central permitting entity with finite authority over redundant and conflicting federal, state and county permitting processes results in the real obstacle facing sensible development of badly-needed transmission infrastructure in the United States.*

#### **(b) Extent that IDTs hamper infrastructure development**

To the degree that delay is brought about by permitting activities that are so sequenced as to make it virtually impossible to assume the risk accrued by embarking on parallel, and sometimes sequential, licensing activities, IDTs directly hamper rational development of energy infrastructure in our country. The situation described here is more the norm than a rare occurrence.

#### **(c) Describe the primary risks confronted by development**

Far and away the largest risk is unnecessary spending, usually in large amounts, which can result in siting orders from federal and state jurisdictions that are fundamentally in conflict and irreconcilable. This situation requires refilings, re-notices, amendments and resubmittals that constitute repeated exposure of the

project to delay, investor fatigue and abandonment. Development costs incurred by incumbent utilities, although subject to prudence determination by their PUC, are generally fully-recoverable by utilities from their customers. Merchant investors, on the other hand, have no means of recovering these abandonment costs.

Exacerbating matters, states generally are not receptive to accepting the findings and recommendations of the federal siting process directing development of energy infrastructure off federal lands within the states. Avoiding the inherent states rights debate about “federalism” is an ongoing challenge to winning siting approvals for transmission development across the western states.

The uncertainty introduced by IDTs prevents achieving a reasonable schedule of development and almost always manifests itself in the form of unplanned spending and project delays. The latter can easily cause the project to be late to market, completely missing its commercial opportunity for success.

#### **(d) IDTs and successful project financing**

As development timelines lengthen and are constantly revised, usually because federal and state agencies fail to maintain their own schedules, development investors ratchet up their risk assessment of the project and its likelihood of success, and may cease further funding of project development. Ultimately, unless ameliorated by achieving all preconstruction permits on a timely basis, with permits that are unburdened by expensive, unnecessary mitigation, project financing costs will rise exponentially as the risk is “priced into the mortgage”. Although permitting an interstate transmission project is a significant accomplishment, it must be seen in the broader context of the development activity necessary to achieve project success. The least of which is that of the project successfully subscribing a fleet of customers to rent the facility through transmission service commitments, customers who themselves are creditworthy and financeable.

Typically, as delay accrues and projects take longer to acquire all of its licenses and permits, secure its customers who will utilize the project and conclude other contractual arrangements necessary to achieve a project financing, total project cost increases, while market opportunities may slip away.

#### **(e) The effects of IDTs on utility IRPs**

If the interstate transmission project is being sponsored by an electric utility, the lengthy development period is usually factored into that utility’s forecast of the resource’s availability to serve jurisdictional load. If the interstate transmission project is merchant-sponsored, the utility generally will not speculate on that resource’s availability in an IRP filing with its state PUC until agreements are in place allowing firm use of such a facility. In this latter, more common situation today, the utility’s IRP will remain largely silent on a new transmission resource, fully aware of the uncertainty introduced to project development schedules by IDTs, overlapping siting

jurisdictions and the numerous opportunities for project failure or abandonment during development.

#### **(f) Effect of IDTs on conducting Open Seasons and obtaining PPAs**

Open Seasons can typically proceed during project development and subscriptions for line capacity are obtainable through capacity auctions. However, firm commitments to transmission service will only mature when the same conditions described above, at a minimum, are either achieved or can be achieved without substantial risk.

Obtaining a PPA requires that a generator be able to submit a high-quality proposal to a Load Serving Entity (LSE) for their evaluation and decision (usually through a competitive process). For the generator to be able to submit such a high-quality proposal, the generator needs to know what the future cost of transmission service will be. A merchant transmission project cannot provide generator customers with a reliable estimate of its future costs of transmission service until the final route for the transmission line is known with a high degree of certainty. It is difficult to acquire such certainty until the transmission project receives an approved routing that has weathered multiple examinations by several siting jurisdictions (federal, state and county/local).

Generators will not enter into binding long-term transmission service agreements with merchant transmission projects until they have binding long-term PPAs with LSEs to whom they are selling electricity. A merchant transmission project cannot obtain its financing and initiate construction until it can be demonstrated that it has a reliable and contracted revenue stream from its own credit-worthy customers from which to repay such loans.

*Thus IDTs cause delay that cascades through the project development cycle, increasing the cost and risk of new transmission projects and materially contribute to the likelihood of failure and loss of substantial investment equity.*

### **2.2 Areas where federal agencies can eliminate barriers created by IDTs**

Federal agencies involved in NEPA as cooperating agencies, should adhere to schedules established by the lead agency and fulfill their obligations in their respective Memorandum of Understanding with the lead agency. Summarily, the benefit of cooperating agencies in a NEPA process comes in the form of special expertise, knowledge and experience that they uniquely bring to bear on the subject matter. Another federal agency may be a cooperating agency in a NEPA process if they have jurisdiction by law over a component of the decision to be made by the lead agency, or if they have “special expertise with respect to any environmental impact involved in a proposal”. Generally, even if another federal agency is a cooperating agency because of their “jurisdiction by law” over a component of the decision to be made, such a cooperating agency may also have “special expertise” to bring to the NEPA process.

Unfortunately, some cooperating agencies use this role to insert their own preference of “*not-in-my-back-yard*” regarding a proposed action, conveniently disguised as official responses to the NEPA record. In this way the true benefit of their expertise is not made available to the process. Consequently, the applicant almost always bears higher project cost and unnecessary delay in providing financial support for the lead agency’s efforts to respond to the uncooperativeness, if not the hostility, of a “cooperating agency”. The federal lead agency responsible for encouraging cooperating agency involvement should ensure such abuse is recognized and ameliorated. There may be an ultimate role here for the White House directly, or for the Council on Environmental Quality (CEQ), unless lead agencies have clear discretion to reject other entities’ tactics or requests for substantive or procedural changes at the “eleventh hour”. These tactics include untimely requests to be accorded cooperating agency status that, if allowed, would likely delay the NEPA process.

In addition to the need for federal cooperating agencies to maintain schedules and comment deadlines, the lead agency conducting the NEPA process should routinely develop and maintain project schedules and strictly adhere to them. Examples of schedule slippage include: extensions granted to the scoping period, and the times provided for cooperating agency review of preliminary drafts of NEPA documents.

### **2.3 Specific opportunities to reduce timelines during federal reviews**

NEPA contemplates the use of programmatic agreements (36 CFR § 800.14(B)). This approach should be encouraged, for example, during NEPA processes to complete consultation under Section 106 of NHPA (16 USC § 470). Programmatic agreements can also be used to complete consultation with US Fish and Wildlife Service (F&WS) under Section 7 of the ESA (16 USC §1531). As consultation with F&WS must be completed prior to issuance of the ROD, preparation of the biological assessment (BA) and biological opinion (BO) could be underway by F&WS when the final preferred alternative is identified (usually between the Draft EIS and Final EIS), and a review of any endangered species or habitat that may be affected by construction and operation of the project has been completed. However, it is typical that the BA/BO process does not start until well after the Final EIS is published, and as such, delays issuance of the ROD.

But the greatest opportunity to achieve time-savings comes with an increased focus on developing, finalizing and approving the construction, operation and maintenance plan (COM Plan) for the project, and either incorporating it with the ROD or requiring it prior to issuance of a notice to proceed by the jurisdictional federal land agency. During the NEPA process, mitigation is analyzed and, as determined necessary by the lead agency, incorporated in the analysis in the EIS. The COM Plan is the repository of all commitments, including mitigation measures, made by the applicant and affected agencies for the life of the project. It is here that all conditions, procedures, exceptions and methods for revisions are documented to ensure everyone proceeds on the same page. Successful results of large interstate transmission projects, often crossing



multiple BLM field office boundaries, are best achieved under a detailed COM Plan that has been closely developed by the applicant and the agencies involved in and having expertise concerning resources affected by the project.

### **2.3 Benchmarks to queue permitting timelines**

The RFI sets forth certain benchmarking scenarios for LSEs that do not necessarily pertain to merchant transmission projects. However, there are reasonable timelines that *applicants to NEPA should not be expected to exceed*. NEPA suggests certain durations for different processes allowed under the law, each generally tracking the intensity and, therefore the timeline, of the examination. A general review of the fiscal impact analysis done by congressional committees in 1969 when the law was passed by Congress reveals timeline estimates that bear absolutely no resemblance with today's practices.

For example, the scoping phase of an EIS is a minimum of 45 days. However, typical scoping activity can easily consume a calendar year as the lead agency endeavors to maximize public input and stakeholder involvement. Most EIS processes, if measured as the duration from the NOI to the Notice of Availability (NOA) of the Draft EIS, should be able to be fairly and fully examined and completed within 24 months. Again, this schedule is almost never achieved today.

CEQ has issued recommended guidelines on EIS process durations that are reasonable and achievable, and should be made mandatory on lead agencies conducting an EIS, with exceptions requiring the express consent of the cabinet secretary for any time extension. Federal agencies conducting NEPA should treat CEQ's suggested timelines as rebuttable presumptions and set the bar high for any deviations from them.

### **2.4 Typical timeline to design, permit and build transmission**

Timelines can vary widely with the number and nature of land jurisdictions involved, and the terrain encountered by project construction. Other factors that may not affect project development in one case, can introduce serious delays in another.

Design and engineering activities must remain active and adaptive during the permitting process. Consideration and application of multiple transmission tower types, spanning alternatives and road-building and line construction techniques, all will naturally evolve during the NEPA process. By its nature such design/engineering response is an iterative process that must track closely with activity being directed by the project manager for the lead agency. Open, timely and documented arms-length communication between the applicant and the lead agency is important to reaching a sound decision in the end. Ultimately, the NEPA process concludes at the issuance of a ROD approving an alternative consistent with the analysis found in the NEPA documents. Once a preferred alternative emerges from the NEPA and lead agency

decision process, the design and engineering function provides the primary contribution to the COM Plan.

As to an example of permitting a transmission line, consider a single 200 mile, 500 kilovolt, alternating current transmission facility, with only originating and terminating substations, and one that will be permitted and constructed over rolling-to-flat terrain requiring little ground clearing, one might estimate timelines as follows:

Fatal flaw examination of Proposed Route	6 months
Develop reasonable/feasible alternatives	4 months
Prepare/file SF-299 ROW Application	3 months
Execute agreements with federal lead agency	3 months
Lead agency secures third-party contractor	4 months
Prepare/publish Notice of Intent to conduct an EIS	4 months
Conduct scoping/hold public meetings	6 months
Execute cooperating agency (CA) agreements	6 months
Prepare Administrative EIS	8 months
Conduct ADEIS review with CAs	2 months
Prepare/publish Draft EIS	2 months
Public Comment Period	1.5 months
Prepare Preliminary Final EIS	3 months
Conduct CA Review of PFEIS	2 months
Prepare/publish Final EIS	2 months
Conduct Public Review	1 month
Prepare ROD	2 months
Issue/publish ROD	2 months
Appeal Period for ROD	1 month
Close NEPA Record (if no Appeals)	2 months

This elapsed duration totals approximately 5.5 years. However, some of the above activities can and do occur with some simultaneity, resulting in parallel activities that might save considerable time.

The period of time from the NOI to the publication of the NOA for the Draft EIS is depicted above as being two years.

If a land use plan amendment (LUPA) including a Resource Management Plan Amendment, is required for the issuance of a ROW (which is not uncommon), it is likely that the NEPA process for the ROW will provide the environmental analysis and support for the issuance of the requisite LUPA as well. When there is a LUPA in conjunction with a ROW, the minimum time for public review and comment following the issuance of the NOA for the DEIS is 90 days. Additionally, when there is a LUPA there is a unique protest and review period following the issuance of the FEIS. Normally, after the issuance of a FEIS there is no formal public comment period, rather, there is a 30-day wait period before a ROD can be issued. During the 30-day period following issuance of a FEIS, the Agency must accept any comment provided by the public.

However, if there is a LUPA, after the issuance of the FEIS there is a 30-day protest period, during which the public may file a protest with the BLM regarding the LUPA. The BLM must resolve the protest prior to issuing a ROD. Simultaneously therewith, there is a 60-day Governor conformance review period, during which the Governor of the state may provide comments and recommendations on how the LUPA can be made to be in conformance with local land-use plans, programs and policies. If the BLM rejects the Governor's recommendations, then the Governor has 30 days within which s/he may file an appeal directly to the National Director of the BLM. Generally, review and resolution of protests submitted by the public or appeals by the Governor to the National Director take at least 90 days after receipt to resolve. A ROD cannot be issued until all of the protests and issues presented by the Governor's conformance review are resolved. Consequently, if there is a LUPA and a protest from the public or an appeal from the Governor, substantial delay is added to the NEPA process and the issuance of a ROD can be delayed for nearly six months.

Summarily, if there is a LUPA then after the issuance of a FEIS there is at least an additional 60 days (assuming no protests and Governor conformance review issues) for a protest/review period. At the conclusion of this 60-day period, a ROD may be issued. After issuance of the ROD, there is a 30-day protest period, during which a party must file a Notice of Appeal to the Interior Board of Land Appeals, if the issue relates to something in the ROD other than the LUPA, or, if the issue relates to the LUPA, the party's recourse lies in federal district court with respect to *that* LUPA issue.

There is opportunity, however, after the public comment period closes for intra- and inter-agency cooperation that will save considerable time. Most of this saved time will come from better coordinated review of NEPA documents, with focus by the reviewing agency ONLY on that portion of the EIS that directly affects their area of jurisdiction or expertise. If the lead agency has developed the NEPA record in such a way that a sufficient number of reasonable and feasible alternatives to the proposed action have undergone a thorough review and analysis, the agency will be in a better position to

fairly and rightly deflect nuisance inquiries for “more information and analysis”. Many of these inquiries can originate from within federal agencies that may or may not have been involved as a cooperating agency.

Project construction activity proceeds when final line and substation designs are completed, federal and state permitting requirements are met, rights-of-way leases are in hand and necessary notices to proceed are granted. Typically constructed under engineer-procure-construct (EPC) contractual arrangements, a project of the magnitude and terrain assumed in this example would likely require 14 to 18 months to complete. The EPC contractor relies heavily on the COM Plan documents to guide conformance to commitments made during licensing and permitting, making it an essential element of achieving project success for all involved.

*TCW 3-27-2012*

Issued at Washington, DC, on February 21, 2012.

**LaTanya R. Butler,**  
*Acting Deputy Committee Management  
Officer.*

[FR Doc. 2012-4461 Filed 2-24-12; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

[OE Docket No. RRTT-IR-001]

### Rapid Response Team for Transmission

**AGENCY:** Office of Electricity Delivery and Energy Reliability, Department of Energy, DoE.

**ACTION:** Request for information.

**SUMMARY:** The Department of Energy's Office of Electricity Delivery and Energy Reliability is seeking information on the questions related to permitting of transmission lines. In responding to this RFI, please specify the role of your company or agency in the electric sector.

**DATES:** Comments must be submitted on or before March 28, 2012.

**ADDRESSES:** Comments should be addressed to: Lamont Jackson, Office of Electricity Delivery and Energy Reliability, Mail Code: OE-20, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to [Lamont.Jackson@hq.doe.gov](mailto:Lamont.Jackson@hq.doe.gov), or by facsimile to 202-586-8008.

**FOR FURTHER INFORMATION CONTACT:** Lamont Jackson (Program Office) at 202-586-0808, or by email to [Lamont.Jackson@hq.doe.gov](mailto:Lamont.Jackson@hq.doe.gov).

#### SUPPLEMENTARY INFORMATION:

Infrastructure projects—such as high voltage, long distance, electric transmission facilities—often involve multiple Federal, State, local and Tribal authorizations and are subject to a wide array of processes and procedural requirements in order to obtain all necessary permits and other authorizations. Delays in securing required statutory reviews, permits, and consultations can threaten the completion projects of national and regional significance.

As our nation moves towards cleaner, more diverse fuel sources and responds to state renewable energy standards, a number of developers are looking to build electric generators where the fuel is most abundant, which is often far from electric customers, thereby

requiring long transmission lines. At least three problems may arise when trying to develop this type of infrastructure: (1) Non-synchronous evaluations by all governmental entities with jurisdiction; (2) uncertainty about whether all necessary permits and approvals will be received; and (3) significantly different development times for generation and transmission. This Request for Information is focused on making the development times for generation and transmission to be more commensurate with one another.

While most types of electric generators can be developed within a few years, developing the transmission necessary for that generation may take much longer. The differential in development times between generation and transmission creates a Catch-22 that inhibits the development of both. (Of course if a load serving entity is developing both the generation and transmission for its own customers, then no such Catch-22 exists.) While generation developers need assurance that transmission will be built before they will commit to building the generation, the transmission developers need a commitment that the generation will be built. As the differential in development times increases, the Catch-22 deepens, thereby hampering the building the infrastructure this Nation needs.

#### Presidential Memorandum—Speeding Infrastructure Development Through More Efficient and Effective Permitting and Environmental Review

On August 31, 2011, the President issued a memorandum to the heads of Executive Departments and Agencies. That Memorandum states:

in the current economic climate it is critical that agencies take steps to expedite permitting and review, through such strategies as integrating planning and environmental reviews; coordinating multi-agency or multi-governmental reviews and approvals to run concurrently; setting clear schedules for completing steps in the environmental review and permitting process; and utilizing information technologies to inform the public about the progress of environmental reviews as well as the progress of Federal permitting and review processes.

It further states that agencies should “ensure that their processes for reviewing infrastructure proposals work efficiently to protect our environment, provide for public participation and certainty of process, ensure safety, and support vital economic growth.”

#### Rapid Response Team for Transmission

Recognizing the need for Federal agencies to coordinate their efforts on

transmission and to quickly respond to challenges, nine Federal agencies have been closely coordinating their review of electric transmission on Federal lands under a joint Memorandum of Understanding (MOU) executed in 2009.

Building on the cooperation developed through the MOU, and in response to the Presidential Memorandum, on October 5, 2011, the Administration announced the creation of a Rapid Response Team for Transmission (RRTT).

The RRTT aims to improve the overall quality and timeliness of electric transmission infrastructure permitting, review, and consultation by the Federal government on both Federal and non-Federal lands through:

- Coordinating statutory permitting, review, and consultation schedules and processes among involved Federal and state agencies, as appropriate, through Integrated Federal Planning;
- Applying a uniform and consistent approach to consultations with Tribal governments; and,
- Resolving interagency conflicts and ensuring that all involved agencies are fully engaged and meeting timelines.

Participating Agencies include: the Department of Agriculture, the Department of Commerce, the Department of Defense, the Department of Energy, the Department of Interior, the Environmental Protection Agency, the Federal Energy Regulatory Commission, the Advisory Council on Historic Preservation, and the White House Council on Environmental Quality.

#### Request for Information (RFI)

Building upon the Presidential Memorandum and in support of the RRTT, the Department of Energy's Office of Electricity is seeking information on the questions asked below. In responding to this RFI, please specify the role of your company or agency in the electric sector.

(1). The development timelines for generation and attendant transmission are often not coordinated or run concurrently. Because of the lengthy time to obtain regulatory reviews, permits and approvals (collectively “Regulatory Permits”), major new transmission lines can take significantly longer to develop than some types of generation to which the transmission would connect. This Request for Information will refer to the difference in development times between generation and transmission as



“Incongruent Development Times.”

Please answer the following <sup>1</sup>:

a. Describe the challenges created both by the timeline for obtaining Regulatory Permits for transmission and by the Incongruent Development Times.

b. To what extent do the Incongruent Development Times hamper transmission and/or generation infrastructure development?

c. What are the primary risks associated with developing transmission vis-à-vis the timeline for obtaining Regulatory Permits as well as the Incongruent Development Times?

d. How is the financing for developing the attendant transmission influenced by its lengthy development time and by the Dissonant Development Times?

e. How if at all, do development timelines and the Incongruent Development Times affect the decisions made in utilities' integrated resource planning, if applicable?

f. How do development timelines and the Incongruent Development Times affect the ability of parties to enter into open seasons or power-purchase agreements?

(2) Besides improving the efficiency of permitting and approving transmission, are there any other steps the federal government <sup>2</sup> could take to eliminate the barriers created by the Dissonant Development Times?

(3) What strategies can the Federal government take to decrease the time that Federal agencies require for evaluating Regulatory Permits for transmission? What other steps can the Federal government take to address the challenges created by Incongruent Development Times?

(4) One way to make the Regulatory Permit process and development times between remote generation and attendant transmission more commensurate, is to decrease the time for permitting transmission by some amount. In determining how much time can be saved, developing a benchmark may be helpful. What benchmark should be used?

a. Example—power purchase agreements as the benchmark: how far in the future do load serving entities (LSE's) seek to purchase energy or capacity from remote resources? Do

LSE's seek PPAs that begin delivering energy/capacity 3 years from the signing of the PPA? 7 years? 10 years? Please explain why PPA's are signed at this time.

b. Example—development times as the benchmark: How long does it take to design, permit and build different types of remote generation?

(5) In your experience, how long does it take to design, permit and build transmission?

(6) Assume that Federal, state, Tribal and local governments sought to set a goal for the length of time used for completing the Regulatory Permitting process for transmission projects so that the development times between generation and transmission were more commensurate, what goal should that be? As the length of the project and the number of governments with jurisdictions increase so will the time necessary for permitting and approvals; accordingly, consider providing a goal that could be scalable according to the length of the line.

Interested parties to this RFI might include, but are not limited to: federal and state agencies, Native American Tribes, transmission developers, renewable energy developers, investors, manufacturers, electric utilities, independent power producers, non-governmental organizations, academics, and other public, private, or non-profit entities.

Issued in Washington, DC, on February 21, 2012.

**Brian Mills,**

*Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.*

[FR Doc. 2012-4464 Filed 2-24-12; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. IC12-7-000]

#### Commission Information Collection Activities; Comment Request; Extension

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of information collection and request for comments.

**SUMMARY:** In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC-587, Land Description

(Public Land States/Non-Public Land States [Rectangular or Non-Rectangular Survey System Lands in Public Land States]).

**DATES:** Comments on the collection of information are due April 27, 2012.

**ADDRESSES:** You may submit comments (identified by Docket No. IC12-7-000) by either of the following methods:

- *eFiling at Commission's Web Site:* <http://www.ferc.gov/docs-filing/efiling.asp>.

- *Mail/Hand Delivery/Courier:*

Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

**Instructions:** All submissions must be formatted and filed in accordance with submission guidelines at: <http://www.ferc.gov/help/submission-guide.asp>. For user assistance contact FERC Online Support by email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or by phone at: (866) 208-3676 (toll-free), or (202) 502-8659 for TTY.

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#### FOR FURTHER INFORMATION CONTACT:

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#### SUPPLEMENTARY INFORMATION:

**Title:** FERC-587, Land Description (Public Land States/Non-Public Land States [Rectangular or Non-Rectangular Survey System Lands in Public Land States]).

**OMB Control No.:** 1902-0145.

**Type of Request:** Three-year extension of the FERC-587 information collection requirements with no changes to the current reporting requirements.

**Abstract:** The Commission requires the FERC-587 information collection to satisfy the requirements of section 24 of the Federal Power Act (FPA). The Federal Power Act grants the Commission authority to issue licenses for the development and improvement of navigation and for the development, transmission, and utilization of power across, along, from or in any of the streams or other bodies of water over which Congress has jurisdiction.<sup>1</sup> The Electric Consumers Protection Act (ECPA) amends the FPA to allow the Commission the responsibility of issuing licenses for nonfederal hydroelectric plants.<sup>2</sup>

Section 24 of the FPA requires that applicants proposing hydropower

<sup>1</sup> Since the Catch-22 is avoided when a load-serving entity is developing the generation and transmission for its own customers, for purposes of answering the questions, please assume that non-LSE's are developing the generation and its attendant transmission.

<sup>2</sup> While Incongruent Development Times are caused by a number of forces including state, local and Tribal decisions, the parties to the MOU are only Federal agencies and, therefore, this RFI focuses on how the federal agencies can improve their own processes.

<sup>1</sup> 16 U.S.C. Section 797d (2010).

<sup>2</sup> Public Law 99-495, 100 Stat. 1243 (1996).