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VIA ELECTRONIC MAIL AND REGULAR MAIL

July 13, 2015

1222 Program
Office of Electricity Delivery
And Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Re: Plains and Eastern Transmission Line (Clean Line Energy Partners, LLC) -
Comments on Requirements of Section 1222 of the Energy Policy Act, 2005

Ladies and Gentlemen:

Pursuant to the request for comments contained in the Notice of Application for the captioned matter contained in 80 Fed. Reg. 23520 (April 28, 2015), I am submitting the following comments on behalf of myself and clients of this firm relative to the feasibility and advisability of the participation of the U.S. Department of Energy (DOE) in a proposed electrical transmission line to be constructed and operated by Plains and Eastern – Clean Lines Transmission Co. The line would run approximately 720 miles, more or less, from western Oklahoma/northwest Texas through Arkansas to western Tennessee. This will be referred to as “the Project.”

As you are aware, Section 1222 of the Energy Policy Act requires that, in order to sponsor this project, the DOE must make certain findings and determinations, including that the Project is “necessary to accommodate an actual or projected increase in demand for electrical transmission capacity,” and that the proposed Project must be consistent with both “transmission needs identified in a transmission expansion plan or otherwise, by the appropriate Transmission Organization, or approved regional reliability organization,” and “efficient and reliable operation of the transmission grid.”

There are several other criteria that must be met in order for DOE to participate, including a demonstration made by the applicant (Clean Lines) showing that the Project is in the public interest; that it will facilitate the reliable delivery of power generated by renewable resources; and the benefits and impacts of the Project in each state that the Project will traverse.

After careful analysis, it is our opinion that Clean Lines has not made a sufficient showing of these criteria to justify DOE's involvement in the Project at the current time, and that DOE should withhold its participation until a stronger case can be made for the need for the power that would be generated by the wind turbine farms to be located in western Oklahoma and Texas.

The ostensible rationale for the proposed Project is to provide energy to the Tennessee Valley Authority (TVA) electrical grid to enable it to meet future projected demand. However, based upon the draft 2015 Integrated Resource Plan (IRP) prepared by the TVA, that demand does not appear to require the wind energy that would be provided by the Project for another ten years at a minimum, and more realistically for another twenty years at the earliest.

The IRP suggests that electricity demand in the area served by TVA will grow at an annual rate of somewhere between 0.3 percent and 1.3 percent through 2032. That is only about a third of the increase that TVA forecast in its last long-term power plan adopted as late as 2011 and less than 20 percent of the power growth rate TVA experienced through most of its history from the 1940s, through the 1970s. As a result, the IRP also found that there is no immediate need for new baseload (24/7) resources beyond the completion of Watts Bar Unit 2 and power upgrades being evaluated for Browns Ferry Nuclear station. There are dramatic changes currently underway in which Americans generate, use and conserve electricity, and today's trend is definitely toward conservation and energy efficiency. Consequently, the projections in the current draft IRP may be overstated.

According to the TVA's IRP, some 52% of its current electrical generation is provided by coal-fired and natural gas-fired plants, 33% from nuclear plants, 11% from hydroelectric plants, and the remaining 4% from non-hydro renewables and energy efficiency sources. TVA has also purchased all of the power produced by the Buffalo Mountain wind farm in Anderson County, Tennessee, which is the largest wind farm in the Southeast. It also has long-term power purchase contracts with eight wind farms in Illinois, Kansas and Iowa. Together, these wind-farm sources provide over 1,500 MW of nameplate capacity.

Further, according to the IRP, power generated from wind and other renewable resources is intermittent, and the firm capacity (the amount of capacity that can be applied to firm requirements) for wind energy assets is much lower than the nameplate capacity. Thus, if the nameplate capacity for the Clean Lines generators is 3,500 megawatts, the firm capacity would be far less. For example, of the 1,500 MW nameplate capacity for the eight wind farms in Illinois, Kansas and Iowa mentioned above from which TVA purchases power, TVA anticipates about 14% of the nameplate capacity to be available to it for peak summer requirements.

My clients and I are supporters of environmentally-friendly, renewable sources of electrical generation, including wind. However, the environmentally-beneficial source of the energy should not justify the damage that will be inflicted upon the environment along the route containing the lines transmitting that energy. The wind sources named above in Illinois, Kansas and Iowa with which TVA currently has long-term power purchase contracts are much closer to the TVA market and require shorter power lines that are presumably already in place than are required to build a transport wind-generated electric power from western Oklahoma and Texas to Tennessee.

Thus, while wind is an environmentally-beneficial source of electricity compared to coal and even natural gas, that benefit may be more than off-set by the environmental damage that is done to the land, water and aesthetic properties of the areas through which a transmission line of the size proposed by the Project would cause. This is particularly true if, as stated in TVA's IRP, only a small percentage of the nameplate capacity is actually usable.

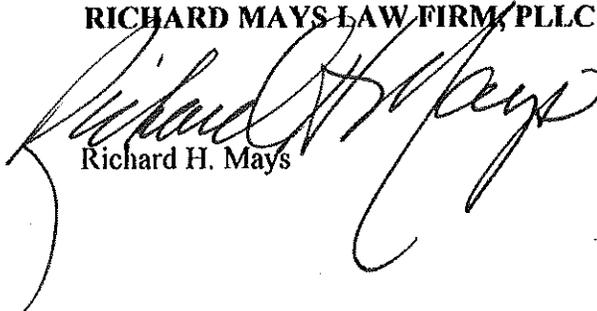
In summary, the Project sponsors have not satisfactorily shown that the Project is "necessary to accommodate an actual or projected increase in demand for electrical transmission capacity," nor that that the proposed Project is consistent with "transmission needs identified in a transmission expansion plan by the appropriate Transmission Organization, or approved regional reliability organization." DOE should balance the lack of showing of need for the electricity by TVA with the absolute certainty that the construction of this line would disrupt a significant swath of the forested, scenic Arkansas landscape and leave a permanent scar on that landscape.

We also adopt by reference comments of other persons or entities

We appreciate the opportunity to submit these comments, and your consideration of them.

Sincerely,

RICHARD MAYS LAW FIRM, PLLC



Richard H. Mays