

Washington, DC -- Today, at the Department of Energy's (DOE) hearing in Rochester, NY, Representative Michael A. Arcuri (D-Utica) spoke against the DOE's draft proposal to create a Mid-Atlantic Area National Interest Electric Transmission Corridor (NIETC), which could allow New York Regional Interconnection (NYRI) and other private companies to circumvent state authority and use federal eminent domain to acquire private property.

**U.S. Representative Michael A. Arcuri (NY-24)
Statement before the Department of Energy
Public Meeting on Draft NIETC Designations, Rochester, NY
6/12/2007**

Thank you for the opportunity to speak here today. Many officials at the Department of Energy are aware that I strongly oppose both these draft corridor designations, and also the entire section of the Energy Policy Act of 2005 that created this process we are currently embroiled in.

I will discuss my specific objections to the current law, but I would be remiss if I didn't begin by addressing the fact that this hearing is being held in Rochester. I believe that it is disingenuous and shows a total lack of respect to the people of Upstate New York, for the Department of Energy to be holding this public meeting so far from those who are most affected by this issue.

Now, I acknowledge that the Department was not required by statute to hold this 60-day public comment hearing before issuing final national interest electric transmission corridor designations, and I thank the Department for its decision to do so. However, from the moment that the decision to hold this public comment period was made last November, it is as if someone at the Department flipped off the light switch over concern for obtaining meaningful input from the public. That is, the public most affected by the proposed corridor designations.

When the Department first issued its draft national interest electric transmission corridor designations, it announced it would hold three public meetings during the 60-day public comment period. Perhaps by accident, but probably not, all three of those meetings – in Los Angeles, New York City and Arlington, Virginia – were scheduled for cities in what the

Department referred to as “sink” locations – locations hungry for new sources of cheap electric power.

I joined my colleagues U.S. Representatives John Hall and Maurice Hinchey in requesting that the Department host additional public hearings within the areas they refer to as “source” areas – locations that will supply the power to the location in need. This hearing is the result of that request, but its location – here in Rochester – seems to show a complete lack of concern for those whom the Department of Energy serves. The majority of people who live in Rochester have no idea of how corridor designations might impact their lives, because their homes and communities are not currently threatened by a proposed transmission line. The Department is fully aware that there are communities within the “source area” of the draft Mid-Atlantic Area Corridor where the vast majority of citizens know about these draft corridors and are eager to share their comments about the corridors with the Department; unfortunately, few will ever get the chance.

It seems to me that the selection of Rochester for this additional meeting is more about the convenience of representatives of the DOE and less about hearing from the public. Running from criticism is not the American way – we stand up for what we believe in; and if we believe in our actions, we are willing to defend those actions against those who would criticize them.

I represent a large portion of that area and I have traveled a great distance to be here today from my work in Washington, not only to share my views, but also to speak on behalf of those residents of Upstate New York who I represent, those who were unable to take the day off of work, or arrange child care so that they could travel the one hundred and thirty miles or more to accommodate the schedule of these Department officials. Their comments are right here – collected at public meetings which I held a week and a half ago in New Hartford and Norwich, New York. Over 500 people – many with very strong opinions on this issue – attended those meetings and filled out these comment sheets that I respectfully submit for the record.

I turn now to the specific objections that I have to the draft Mid-Atlantic Area corridor designation issued by the Department of Energy. Section 1221 of the Energy Policy Act of 2005 was intended to streamline the approval process for electric transmission projects, which would provide electricity to geographic areas that are experiencing, and I want to stress this, **CAPACITY CONSTRAINTS or CONGESTION.**

The procedure this section created, however, unnecessarily interferes with well-established

state regulatory procedures, state laws and states' carefully crafted, long-term energy policies. The designation of these national interest electric transmission corridors essentially creates Federal "spheres of influence" within states by allowing Federal regulators to approve projects that have been delayed or outright rejected by crafted their own energy policies.

On Wednesday, April 25 of this year, New York State Assemblyman Paul Tonko, who is chairman of the Assembly's Committee on Energy, testified before the House Committee on Oversight and Government Reform's subcommittee on Domestic Policy regarding the impacts of Section 1221 on state energy regulators. He stated that, for the last 40 years, New York State has had a very public, very thorough investigative and administrative review process for transmission line siting. In his testimony before the subcommittee, Assemblyman Tonko stated that New York State has a comprehensive state energy policy designed "to simultaneously lower New York's high cost of energy while expanding the supply of cleaner generation sources." He further stated that "a transmission line which does not comport with the policy goals of the comprehensive energy plan – and is focused solely on maximizing profit opportunities to the project developer – could jeopardize the overall plan" if the Department of Energy decides to override that plan.

Section 1221 gives the companies proposing projects within corridors an end-run around state and local opposition by setting up a dual-track system whereby state and local prerogatives can be ignored in approving electric transmission projects; and allowing it would allow federal regulators to usurp states' rights to approve or reject electric transmission projects within the states' borders.

The current procedure addresses neither the concerns nor the intent behind Section 1221. The purpose of this new law is to alleviate congestion. The problem, however, is that by setting up these energy corridors, the law allows private utility companies to run power lines that do nothing whatsoever to alleviate congestion. In the case of the present proposal within the draft Mid-Atlantic Area corridor by New York Regional Interconnection, the project would make congestion significantly worse because it would only bring additional power to the Rock Tavern Substation in Orange County – 70 miles outside of New York City.

While most of us in Upstate New York consider ourselves good neighbors and understand New York City's energy problem, we know that if this proposed corridor is created, our energy costs could go up by seven to twenty percent – a projection made by New York Regional Interconnection – to an area that may not have energy costs as high as NYC, but pretty close.

Now, while many of us want to help New York City with its energy problem, we think it is unconscionable that we do not get a say in how the power is run down to New York City – that is via over 130 feet towers and through the middle of our cities, towns and villages. That is what we have seen happen before and that is what we fear will happen if this corridor is approved. And, we know full well, if it is approved, we will have no say, whatsoever in not only what is done, but also the way in which it is done.

Finally, and probably most egregiously, the procedure created by Section 1221 delegates Federal Eminent Domain power to private companies who receive project approval at the federal level, allowing utility companies to run roughshod over local communities and take private property from landowners.

It is not the Department of Energy's proposal that makes this policy so unacceptable. It is the ability of private companies to use Eminent Domain, a very awesome power that should only be wielded by government – never private companies – and only in the most extraordinary of instances.

It seems that the only group to support this company's proposal or the Department of Energy's draft corridor is the company proposing the project itself. I have lived in Upstate New York nearly my entire life, and I can say without hesitation that no other issue has ever generated so much opposition from so many parts of the district.

This is one of those issues that incense people. Not just people like me, who live less than 400 feet from where the NYRI line would run, but also the thousands of people who will suffer the ill health effects caused from living below power lines that emit electromagnetic fields believed to cause cancer. And we are not talking about secluded fields or wooded areas where no one lives, we are talking about cities and towns where thousands of people live – people who have children and grandchildren. Please do not think of these people as simple numbers, simple statistics to be tallied on a list and filed away in some far away office. These are our children.

Let it be known, right here and right now, that those of us here today will continue to oppose this draconian process with every ounce of our being until the authority is returned where it belongs – to state and local governments.

Thank you.

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