

Washington, DC -- U.S. Representative Michael A. Arcuri (D-Utica) questioned witnesses, including a high-level Energy Department official, regarding New York Regional Interconnect's (NYRI) proposal to construct a high-voltage direct current electric transmission line in Upstate New York during a House Oversight and Government Reform Committee hearing today.

"I've 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 the community at-large," said Arcuri. "To be honest, it seems that the only group to support this proposal is the company itself. I can only hope that the Department of Energy doesn't turn a deaf ear to the overwhelming strong vocal opposition the NYRI proposal is responsible for."

The hearing examined the implementation of Section 1221 of the Energy Policy Act of 2005, which created sweeping new federal authority to site electric transmission lines throughout the country. Under the Act, the Department of Energy may designate areas of the country as "National Interest Electric Transmission Corridors." Within these corridors, state authority over transmission lines may be preempted and new federal eminent domain authority could be used to obtain land for approved electric utility transmission projects.

During questioning of Mr. Kevin Kolevar, Director of the Department of Energy's Office of Electricity Delivery and Energy Reliability, Arcuri demanded answers as to why certain areas of the country were exempted from the law that permits federal authorities to override state regulatory boards in approving power line projects.

Arcuri also raised concerns as to whether Department of Energy officials were basing determinations of energy demand solely on a private company's assessment that a potential project would be economically profitable.

Witnesses at the hearing included:

- Rep. Bill DeWeese, Majority Leader, Pennsylvania House of Representatives
- Mr. Kurt Adams, Chairman, Maine Public Utilities Commission
- Assemblyman Paul D. Tonko, Energy Committee Chairman, NYS Assembly
- Mr. Paul D. Koonce, Chief Executive Officer, Dominion Energy, Inc.
- Mr. Chris Miller, President, Piedmont Environmental Council
- Ms. Elizabeth Merritt, Deputy General Counsel, National Trust for Historic Preservation
- Mr. Kevin Kolevar, Director, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy

The House Oversight and Government Reform Committee's hearing "Federal Electric Transmission Corridors: Consequences for Public and Private Property" was held this afternoon in the Rayburn House Office Building in Washington.

A copy of Arcuri's opening statement, submitted for the record, is below:

**U.S. Representative Michael A. Arcuri (NY-24)  
House Committee on Oversight and Government Reform  
Subcommittee on Domestic Policy  
Hearing on National Interest Electric Transmission Corridors  
Wednesday, April 25, 2007**

Thank you Chairman Kucinich and Ranking Member Issa for the opportunity to join this distinguished committee today for an important hearing on National Interest Electric Transmission Corridors.

Today's hearing provides an opportunity for much-needed review of the law passed by the last Congress, specifically section 1221 of the Energy Policy Act of 2005, which gave federal authorities the unprecedented power to approve electric transmission projects, even if they have been rejected by state regulators. This same law would allow a company, if their project were approved by federal authorities, to use federal eminent domain power to take private property for the project.

I don't understand how some of my colleagues, who speak so eloquently of their strong commitment to states' rights, would go so far as to expand federal jurisdiction in this area and allow companies to condemn the land of private landowners.

Nowhere are the flaws of this system more apparent than in Upstate New York. New York Regional Interconnect, or NYRI for short, a privately owned company is seeking to build a 190 mile, high voltage transmission line from the Town of Marcy in Oneida County, NY to the Town of New Windsor in Orange County, NY. This project has a proposed route that originates in

New York State; it terminates in New York State; and it does not leave New York State anywhere along the way.

Additionally, the sole purpose of the line would be to serve customers in New York State. And yet, under Section 1221 of the Energy Policy Act of 2005, federal regulators could have the authority to permit the project, even if it were rejected at the state level.

Historically in New York State, projects such as NYRI's have been subject to the approval of the New York State Public Service Commission. New York State has already passed a law – signed by former Governor George Pataki – that would prevent NYRI from using the state eminent domain power to take private property, even if the project were approved by the state Public Service Commission. The citizens who live along this route have made their wishes clear – and they have been heard by their locally-elected officials. And yet, the possibility of federal intervention and eminent domain still threatens landowners in New York State.

I've 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 the community at-large. To be honest, it seems that the only group to support this proposal is the company itself. I can only hope that the Department of Energy doesn't turn a deaf ear to the overwhelming strong vocal opposition the NYRI proposal is responsible for.

I welcome the opportunity to re-examine the previous Congress' flawed decision to grant federal authorities and companies the power to circumvent states' authority and regulatory decisions.

Again, I thank Chairman Kucinich and Ranking Member Issa for the opportunity to take part in this hearing, and I look forward to hearing from the impressive slate of witnesses who will testify before us today.

Thank you, I yield back the balance of my time.

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