

SOUTHWESTERN PENNSYLVANIA COMMISSION

RESOLUTION 15-07

A RESOLUTION OF THE SOUTHWESTERN PENNSYLVANIA COMMISSION to express the sentiment of the Commission regarding proposed energy transmission corridor actions relating to Southwestern Pennsylvania.

WHEREAS, the Energy Policy Act of 2005 (EPAAct) was passed by the Congress on July 29, 2005, and signed into law on August 8, 2005; and

WHEREAS, provisions of the omnibus legislation touch on nearly every segment of energy production and use, including nuclear power, electricity, natural gas, fossil fuels, renewable energy and competitive generation; and

WHEREAS, a provision of Title XII of the EPAAct, Electricity, however, preempts what have long been fundamental powers of state and local governments; and

WHEREAS, Section 1221, for example, transfers the authority to approve the siting of certain transmission lines from state governments and their political subdivisions to agencies of the Federal Government; and

WHEREAS, Section 1221 (a) of EPAAct Directs the United States Secretary of Energy to, in consultation with states, conduct periodic nationwide studies of electric transmission congestion; and

WHEREAS, the Secretary of Energy released its initial National Electric Transmission Congestion study in August 2006; and

WHEREAS, based upon the findings of any congestion study, the Secretary of Energy may designate "any geographical area experiencing electric energy transmission capacity constraints or congestion that adversely affects customers" as a "national interest electric transmission corridor" or national corridor; and

WHEREAS, Section 1221 (b) further conveys to the Federal Energy Regulatory Commission (FERC) the authority to issue permits for construction or modification of electric transmission facilities situated or proposed to be situated in any Department of Energy designated national interest electric transmission corridor; and

WHEREAS, the FERC would be able to override the authority of the Pennsylvania Public Utility Commission to issue a certificate of public convenience to approve and locate a transmission line in a Department of Energy designated national interest electric transmission corridor; and

WHEREAS, the Pennsylvania Public Utility Commission and its predecessor, the Public Service Commission, have had jurisdictional and regulatory authority over public utilities and public utility service, including the review and approval of applications for the location and construction of transmission lines in the Commonwealth of Pennsylvania since 1913, or for 94 years; and

WHEREAS, the designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania, coupled with FERC "backstop" authority to issue permits to site a transmission line and thereby override the recommendations of the Pennsylvania Public Utility Commission, would give electric utilities access to Federal eminent domain authority; and

WHEREAS, on April 26, 2007, the United States Department of Energy released drafts of two national interest electric transmission corridor designations, including the Mid-Atlantic Area National Corridor including counties in Ohio, West Virginia, Pennsylvania, New York, Maryland, Virginia and includes all of New Jersey, Delaware and the District of Columbia; and 50 of Pennsylvania's 67 counties, or 75% of the land within the Commonwealth's geographic borders, are included in the Mid-Atlantic Area National Corridor designation; and

WHEREAS, the 60-day comment period for the Mid-Atlantic Area National Corridor designations is scheduled to end on July 6, 2007; and

WHEREAS, it is alleged that the transmission lines proposed to be located and constructed in the Mid-Atlantic Area National Corridor would be used to relieve energy congestion and constraints and improve electric reliability in population centers of the East Coast; and

WHEREAS, designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania could diminish or eliminate the role of the Pennsylvania Public Utility Commission, the administrative agency of the Commonwealth that has regulatory authority over the approval of applications for the location and construction of transmission lines; and

WHEREAS, designation of national interest electric transmission corridors and FERC's accompanying "backstop" authority could diminish or even eliminate the roles of other administrative agencies of the Commonwealth of Pennsylvania that were established for the express purpose of protecting Pennsylvania's economic, natural, historical, cultural and recreational resources, including the Departments of Environmental Protection, Conservation and Natural Resources, Agriculture and Transportation as well as the Game Commission and the Historical and Museum Commission; and

WHEREAS, designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania would undermine and in some cases eliminate the Commonwealth's ability to determine, manage and control land use policies.

NOW THEREFORE BE IT RESOLVED, that the Southwestern Pennsylvania Commission believes that demand for energy continues to be a concern nationwide, especially in major population centers, and that an effective national energy policy must include increased emphasis on conservation, renewable energy, energy-efficient alternatives, demand-side management, innovations and new technologies while simultaneously providing incentives to increase domestic production and supply; and

BE IT FURTHER RESOLVED, that the Southwestern Pennsylvania Commission recognizes that an effective energy policy must be addressed nationally but should reflect traditional state and local authority over environmental and energy matters; and

BE IT FURTHER RESOLVED, that the Commission does support the ability to generate additional electric load in Southwestern Pennsylvania if appropriate.

BE IT FURTHER RESOLVED, that the Southwestern Pennsylvania Commission opposes the provisions of EPAct which preempt the authority of the Commonwealth of Pennsylvania and its political subdivisions to determine land use policies and which usurp the traditional and fundamental authority of the Pennsylvania Public Utility Commission to review and approve applications for the location and construction of transmission lines in the Commonwealth of Pennsylvania; and

BE IT FURTHER RESOLVED, that the Southwestern Pennsylvania Commission urge the repeal of Section 1221 of EPAct and thereby preserve the fundamental rights of the Commonwealth of Pennsylvania and its people to determine the future of land use policies; and

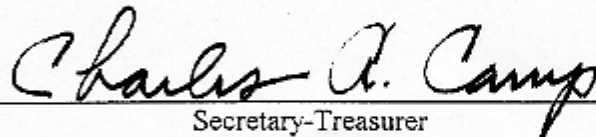
BE IT FURTHER RESOLVED, that the Southwestern Pennsylvania Commission opposes construction of the Trans-Allegheny Interstate Line (TrAIL) a new 500-kV transmission line, new 138 kV transmission lines, and related substation facilities within Allegheny Power's transmission zone; and

BE IT FURTHER RESOLVED, that the Southwestern Pennsylvania Commission urges Pennsylvania's Metropolitan Planning Organizations and Local Development Districts to support the development of a balanced and progressive US Energy Policy that provides strong incentives for conservation of resources, advanced energy technologies, competitive energy supply markets and protects the public interest and quality of life of the residents of this nation; and

RESOLVED FURTHER, that copies of this resolution will be transmitted to all Pennsylvania State Senators and House members, National Association of County Commissioners, Pennsylvania Association of County Commissioners and Pennsylvania's regional planning organizations.

I, Charles A. Camp, HEREBY CERTIFY that I am Secretary-Treasurer of the SOUTHWESTERN PENNSYLVANIA COMMISSION; that the foregoing resolution was adopted, in accordance with the By-Laws, by the Members of said Commission at a meeting duly called and held on the 28th day of June 2007, a quorum being present; and that said resolution is now in full force and effect.

IN TESTIMONY WHEREOF I hereto subscribe my name as Secretary-Treasurer.


Secretary-Treasurer