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May 9, 2008

The Honorable Jeff Bingaman
Chairman
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Pete V. Domenici
Ranking Member
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Bingaman and Ranking Member Domenici:

On behalf of the millions of citizens and the economic, community, and environmental interests that we represent as the Governors of our respective States, we urge the Congress, as it focuses on the critical issues of national energy policy, to take immediate action to delay for one year the Federal Energy Regulatory Commission’s implementation of the National Interest Electric Transmission Corridors (NIETC) program. This will provide time for assessment of the critical issues States and others have raised related to implementation of NIETC. We understand that the Senate Energy and Natural Resources Committee has already agreed to hold hearings on electric transmission issues.

The action taken by the Department of Energy (DOE) undermines established State authorities and policies pertaining to energy, land use and conservation, and environmental protection. As currently implemented, the NIETC program is in direct conflict with the crucial national interests of increased energy independence and security and reduced greenhouse gas emissions through emphasis on conservation and efficiency policies.

The NIETC program, as implemented by the DOE, poses serious problems that do not appear to have been anticipated or intended by Congress. For example, the designated Corridors encompass all or part of 10 States, including significant areas without transmission or congestion problems. Further, the Department of Energy has not implemented the program in accordance with statutory requirements to consult with the States and regional entities.

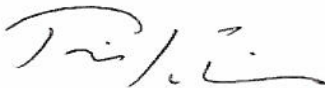
Therefore, we ask the members of Congress to delay the federal implementation of the NIETC program for one year to allow time for the House and Senate Committees to consider the following range of adverse impacts and the implications of NIETC implementation on critical State and national interests.

- **Usurps State authority and established procedures** for transmission review and siting;

- **Conflicts with State and local laws and policies** related to land use and conservation, transportation, agriculture, water supply, environmental quality, and energy efficiency;
- **Gives unprecedented access to the Federal power of condemnation** to private electric utility companies threatening public and protected lands and private property;
- **Undermines State and Regional energy and climate goals and programs** by altering regional energy markets and the economic viability of investments in energy efficiency, conservation, advanced grid technology, and clean energy alternatives.
- **Whether existing State siting laws, regulations and procedures are significantly impeding the siting of necessary transmission infrastructure.**

Each of our States has responsibly and fairly, through established processes, local cooperation, and with substantial citizen input, addressed our State and regional energy and transmission needs. The NIETC program undermines a broad range of our authorities and our collective efforts to institute sound programs to serve our citizens. We would appreciate your support for our request in recognition of the State and federal partnership in promoting our common interests in energy independence and security and environmental quality.

Sincerely,



Governor Timothy M. Kaine
Virginia



Governor David A. Paterson
New York



Governor Theodore R. Kulongoski
Oregon



Governor Janet Napolitano
Arizona



Governor Edward G. Rendell
Pennsylvania



Governor Ted Strickland
Ohio