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To: Edward A. Boling Energy Task Force/CEQ/EOP
cc: James Ramsay <JRamsay@naruc.org>, Charles Gray <CGray@naruc.org>
Subject: Comments of the Natl. Assoc. of Regulatory Utility Commissioners on CEQ's Notice and Request for Comments

October 31, 2001

Chair
Council on Environmental Quality
Executive Office of the President
17th and G Streets, NW
Washington, DC 20503

Re: Notice and Request for Comments on Energy Task Force

To Whom It May Concern:

Attached, please find the Comments of the National Association of Regulatory Utility Commissioners (NARUC) on CEQ's Notice and Request for Comments on the Energy Task Force.

Should you have any questions or need additional information, please do not hesitate to contact me at 202-898-1350 or sbarklind@naruc.org <mailto:sbarklined@naruc.org>. I would appreciate an acknowledgement of receipt of this filing. Thank you.

Sincerely,

Sharla M. Barklind
Assistant General Counsel

cc: Charles D. Gray, NARUC Executive Director
J. Bradford Ramsay, NARUC General Counsel

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**BEFORE THE
UNITED STATES OF AMERICA
Council on Environmental Quality**

Public Notice and Request for Comments
Energy Task Force

(August 20, 2001)

**COMMENTS OF THE
NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS**

The National Association of Regulatory Utility Commissioners ("NARUC") respectfully files these comments in response to the "Public Notice and Request for Comments" ("Notice") published by the Council on Environmental Quality ("CEQ") at 66 Federal Register 43,586 (August 20, 2001). NARUC welcomes the opportunity to comment on the proposed nature and scope of the federal interagency task force ("Task Force") that will be chaired by the CEQ. NARUC's members are regularly involved in all stages of the development and deployment of energy-related projects. Given their unique perspective and expertise, NARUC urges the CEQ, in developing the Task Force, to collaborate extensively with the States. Such coordination and consultation with the States will help expedite the completion of energy-related projects, while maintaining safety, public health, and environmental protections.

NARUC represents the governmental agencies of the fifty States, the District of Columbia, Puerto Rico and the Virgin Islands engaged in the regulation of public utilities and common carriers. NARUC's mission is to serve the public interest by improving the quality and effectiveness of public utility regulation. We have the obligation under State law to ensure the establishment and maintenance of such energy utility services as may be required by the public convenience and necessity, and to ensure that such services are provided at rates and conditions that are just, reasonable and nondiscriminatory for all consumers. Historically, the States have had the responsibility and authority to site transmission, generation, and intrastate pipelines. In fact, the generation and transmission infrastructure that is currently in operation now, as well as that infrastructure currently under construction, has received State siting approval. Additionally,

those infrastructure projects that are in the planning stages are being planned with State approval in mind.

Just as Executive Order 13212, issued on May 18, 2001, recognized, NARUC and its membership understand that additional generation and transmission may be necessary in all regions of the country. NARUC's members are also aware that any additions to this infrastructure need to increase the production and transmission of energy "in a safe and environmentally sound manner." With the need for expansion, NARUC's members recognize the difficulties involved with the siting of these facilities. The fact remains that in spite of these difficulties, the States have been successful in siting the electric infrastructure that exists today. NARUC's members' experiences will thus be helpful in assisting the Task Force in "working through an operational approach that addresses impediments to federal agencies' completion of decisions about energy-related projects in a way that will increase the production, transmission, and conservation of energy." 66 Fed. Reg. 43586 (2001).

In overview, regardless of the scope and nature of the Task Force, States are the appropriate authorities to exercise jurisdiction over the continued siting of most energy infrastructure, including electric transmission and generation. See, *"To receive testimony on legislative proposals relating to comprehensive electricity restructuring legislation," Hearings before the Senate Energy and Natural Resources Committee, 107th Congress (July 25, 2001)*[hereinafter *Hearings*](testimony of Commissioner William M. Nugent). NARUC strongly urges the CEQ to make coordination with the State commissions an integral part of any and all aspects of the Task Force's activities. NARUC looks forward to working with the CEQ as it conducts its work. Additionally, NARUC looks forward to commenting on the final recommendations the Task Force makes on proposed legislative or regulatory changes.

NARUC's members will be providing the CEQ with specific examples of projects that would have benefited from greater State and Federal cooperation. NARUC would refer you to those comments for more specifics. Additionally, NARUC and its membership will be happy to assist the CEQ as it develops and implements the Task Force's duties.

CONCLUSION

Again, NARUC appreciates the opportunity to comment on the scope and nature of the Task Force being chaired by CEQ. NARUC urges the Task Force to closely work with the State Commissions and other State agencies in its efforts to ensure environmentally sound production and transmission of energy for the country. NARUC welcomes the opportunity to assist the CEQ in this important task.

Respectfully Submitted,

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General Counsel

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October 31, 2001

