

**UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
BEFORE THE
OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY**

In the Matter of:)
)
Application for Proposed Project)
for Clean Line Plains & Eastern) OE Docket No. TPF-01
Transmission Line)

**MOTION FOR INTERVENTION and for NOTICE OF INTERVENTION DEADLINE
on behalf of
BLOCK PLAINS & EASTERN CLEAN LINE**

BLOCK Plains & Eastern Clean Line: Arkansas and Oklahoma (hereinafter “BLOCK Clean Line”), by and through its counsel, Carol A. Overland, Legalectric, 1110 West Avenue, Red Wing, MN 55066, hereby submits this Motion for Intervention and requests Notice of Intervention deadline be issued in the above captioned proceeding. BLOCK Clean Line simultaneously submits Petitions for Extension of Comment Period Deadline, Petition for Public Hearings, Petition for Contested Case, and Petition for Delay of Decision Pending Rulemaking.

Contact information for BLOCK Plains & Eastern Clean Line: Arkansas and Oklahoma:

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Please add Ms. Overland, Mr. Ulery, and Ms. Millsaps to the service list.

In support of this Motion for Intervention and for Notice of Intervention deadline, BLOCK Clean Line states as follows:

1. This Motion for Intervention is filed pursuant to Rules 212(a)(3) and 214 of the Rules of Practice and Procedures of the Federal Energy Regulatory Commission (“FERC”), 18 C.F.R. §§ 385.212, 385.214. This Motion is a timely motion as it is filed prior to the deadline for Comments as set forth in the Notice of Application, in the Federal Register. 80 FR 23520. The filing of this Motion and its approval by the DOE is also supported by practice and procedure for Presidential Permits, which is handled by the Office of Electricity Delivery and Energy Reliability, the DOE Office handling this Clean Line application.¹

2. Clean Line Energy Partners, LLC, has submitted an application for its Plains & Eastern Clean Line Project through Arkansas and Oklahoma. Clean Line Energy Partners, LLC, proposes to build an overhead ±600-kilovolt (kV) high voltage, direct current electric transmission system and associated facilities with the capacity to deliver approximately 4,000 megawatts from Oklahoma and Texas to load-serving entities in the Mid-South and Southeast United States. To authorize a project under §1222, the DOE must determine that a proposed project satisfies statutory and other criteria, as set forth in the Notice of Application, page 23520, et. seq, of the Federal Register dated April 28, 2015.

3. BLOCK Clean Line is an association of landowners and residents along and/or near the proposed easement or alternative routes of the Plains & Eastern Clean Line in Arkansas and

¹ See, e.g., p. 3, Notice of Amended Application for Presidential Permit, Great Northern Transmission Line, OE Docket No.: PP-398 (November 18, 2014)

Oklahoma. BLOCK Clean Line's members are directly affected by the outcome of this proceeding. Block Clean Line members are not only directly affected landowners, but they are also users of electricity and ratepayers.

4. The position of BLOCK Clean Line is that this project does not meet the criteria of §1222 of the Energy Policy Act of 2005 (EPA Act), in that it is not needed as either new transmission or to upgrade existing transmission facilities owned by Southwestern Power Administration (Southwestern). This project is not located in an area designated under section 216(a) of EPA Act and will have no impact on congestion of electric transmission in interstate commerce, nor is it necessary to accommodate an actual or projected increase in demand for electric transmission capacity. Further, the project is not consistent with transmission needs identified by any Transmission Organization or regional reliability organization; has no relation to efficient and reliable operation of the grid; and that it duplicates existing transmission facilities. The Clean Line project is not in the public interest; it has not demonstrated a need for reliable delivery of power generated by renewable resources via this project; it has not substantiated economic or environmental benefit claims nor has it disclosed impacts of the project in each state it traverses; it has not demonstrated that it is technically viable considering engineering, electrical, and geographic factors; and it has not demonstrated financial viability. It is also BLOCK Clean Line's position that the need and impacts of this project must be thoroughly and publicly vetted in a contested case proceeding before the Office of Electricity Delivery and Energy Reliability to build a record regarding the specific criteria upon which a decision will be made. BLOCK Clean Line is also concerned about jurisdictional issues and state authority to site transmission and designate business organizations as public utilities and land rights, and the potential of use of eminent domain for a private purpose.

Further, Block Clean Line is extremely concerned about due process issues, including the lack of public notification and involvement in the development of the Project since it began in 2009.

Lack of notification and awareness was also an issue during the initial EIS Scoping Period, and lack of direct contact with landowners by Clean Line, which in most cases did not occur until after the DEIS was released in December, 2014, years after initiation of the project.

5. The interests of BLOCK Clean Line, as landowners and residents directly affected by the Plains & Eastern Clean Line, are not represented in the DOE proceedings by any other party. To Movant's knowledge, no other entities have sought to intervene in this docket. The interests of BLOCK Clean Line are distinct from any other participants because BLOCK Clean Line is the only party in Arkansas comprised of individual landowners and directly affected residents, all concerned about claimed need for the project, economic and environmental and electric rate impacts, land rights, and impacts of this project on property valuation, tax revenue, and development of renewable energy in Arkansas.

6. BLOCK Clean Line's participation is in the public interest. At this point, there are no intervenors in this DOE docket. The Application is made under §1222, Energy Policy Act of 2005, a section of the Act that hasn't been used previously, and the DOE will determine whether to participate in financing and construction of this interstate transmission line. It is a proceeding of first impression, which heightens the importance of public participation and due process.

7. The DOE is embarking on review of this Application without procedural guidance or authority. Rules have been established for Section 1221 applications for permits to site interstate electric transmission facilities and they provide opportunities for public participation. 18 CFR Part 50. The Section 1221 Application and process anticipates public participation through comments and intervention. See 18 CFR 50.09; 50.11. Unlike §1221 of the Energy Policy Act

of 2005, there are no rules for implementation of §1222. The Office of Electricity Delivery and Energy Reliability is not utilizing the rules for §1221 as a guide for review of this project.

8. There are also rules established and used for Applications for Presidential Permits for transmission lines. Although the review of this Application is being conducted by the DOE's Office of Electricity Delivery and Energy Reliability, the same office that handles review of Presidential Permit Applications, this review is not utilizing the Presidential Permit rules and FERC Rules of Practice and Procedure as a guide for review of this project. 18 CFR Part 385 Rules of Practice and Procedure, see e.g., 18 CFR 385.211 and 18 CFR 385.214.

9. Due process is being ignored. Public process and procedures are generally to be announced in the Notice of Application. 18 CFR 385.210. In this case, there are no rules of process and no procedure has been established, no public hearings were noticed, no deadline for intervention was set. The DOE has chosen a process for which there is no authority. The DOE has also chosen to utilize a process that severely limits public participation and has chosen to provide opportunity only for public comments, one that makes no provisions for public hearings, intervention, or a contested case hearing. The DOE's Office of Electricity Delivery and Energy Reliability has launched this review without the benefits of regulations, without affording due process, and gutting public participation. The DOE's Office of Electricity Delivery and Energy Reliability is making up process and procedure as this docket moves forward. For a project of this magnitude, public participation must be not just allowed, but encouraged.

10. In a Presidential Permit proceeding, Notice includes deadlines for comments and intervention and direct intervenors to submit Motions for Intervention to the Office of Electricity Delivery and Energy Reliability, in care of the staff person assigned to handle the permit. See e.g. Notice of Amended Application, Great Northern Transmission Line, PP-398,

79FR 68673. For this reason, this Motion is directed to Angela Colamaria, Office of Electricity Delivery and Energy Reliability, who is in charge of this project. Notice of Application, Clean Line Plains & Eastern Transmission Line, TPF-01, 80 FR 23520. The Applicants are being served by email and U.S. Mail.

This substantial interstate transmission project requires transparency and public process of at least the level afforded in a Presidential Permit. BLOCK Clean Line hereby submits this Motion for Intervention and requests that Notice of Intervention deadline be issued. BLOCK Clean Line requests that this Motion for Intervention be granted and that the DOE issue Notice of Intervention deadline in the above captioned docket.

Respectfully submitted,



Dated: June 8, 2015

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