

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

Application for Proposed Project
for Clean Line Plains & Eastern
Transmission Line

OE Docket No. TPF-01

**PETITION FOR EXTENSION OF COMMENT DEADLINE
on behalf of
BLOCK PLAINS & EASTERN CLEAN LINE: ARKANSAS AND OKLAHOMA**

BLOCK Plains & Eastern Clean Line: Arkansas and Oklahoma (hereinafter “BLOCK Clean Line) request that the Comment deadline be extended until September 11, 2015. BLOCK Clean Line is an association of directly affected landowners, residents, ratepayers, stakeholders and interested parties along and/or near the proposed easement or alternative routes of the Plains & Eastern Clean Line in Arkansas and Oklahoma. BLOCK Clean Line’s members are directly affected by the outcome of this proceeding.

BLOCK Plains and Eastern Clean Line: Arkansas and Oklahoma, together with other members of the public, knew nothing of the DOE’s “non-NEPA” track of review, the substantive review that the DOE will use to inform its decision about whether to participate. We learned about it vaguely during the public hearings for the Draft Environmental Impact Statement, and then specifically with the Notice of Application published in the Federal Register. 80 Fed. Reg, 23520, (April 28, 2015). The Notice of Application provides for a 45 day comment period. There is no authority referenced for this choice of length of the comment period. Although there are rules for Section 1221 Applications and review, there are no rules for a Section 1222 Application review, nor are there any rules that specifically address due process for this review.

18 CFR Parts 50, 380 and 900. Application of rules for coordination of federal authorizations for transmission facilities specifically do not apply to facilities constructed by Federal Power Marketing Administrations such as in this application, with the Southwestern Power Administration¹. 18 CFR 900.2(c).

The revised Application has 34 appendices, ranging from some with most of the information redacted, to others with very extensive arcane information. This information presented is nearly entirely new information, which takes time to analyze, both due to its volume and due to its complexity. Other information is clearly missing, where the complete document has not yet been provided. For example:

- The [Appendix 4-A Proposed Participation Agreement Term Sheet for the Plains and Eastern Clean Line](#) ends abruptly in mid-paragraph, and it is materially different than the Draft “Joint Evaluation and Development Agreement” dated 9-10-10 in the August 2011 Update. Where is the complete executed agreement to cover “Evaluation” which is now ongoing?
- The Appendices listed on the last page of the initial July 2010 application are nowhere to be found on the DOE’s page nor are they visible on the Clean Line site. Some can be located using Google. Are these Appendices being used to form the DOE’s decision?
- The Interconnection Studies on the Clean Line page do not appear in the Application.² Are they under consideration by the DOE in its review?
- Appendix 3 of the July 2010 Application is a 63 page report, “Analysis of the Benefits of the Proposed Plains and Eastern Clean Line,” as above, is only identified in the table of Appendices and is not part of the application, and in the more recent “Part 2” application, it has been replaced by Appendix 2G, a Leidos 2 page “benefit analysis” that’s bereft of analysis. Is the ICF Benefits Report used as support for this project, the Leidos 2 page “analysis”, or both?

¹ See also Ch. 900, fn. 4 (DOE does not consider applications to the PMAs for transmission interconnections to be Federal authorization request within the meaning of 216(h). In those circumstances the PMAs are not functioning as Federal agencies considering requests for permits, special use authorizations, certifications, opinions, or other approvals, but are acting in their capacity as transmitting utilities.)

² See Interconnection Studies: <http://www.plainsandeasterncleanline.com/site/page/interconnection-studies>

In short, all information all that is under consideration by the DOE in this non-NEPA review should be readily available for public review, thorough examination, and comment.

The 45 days of comment time allotted is not adequate to review the Application and present cogent comments. Additional time is necessary for interested parties to locate and decipher the documents and because springtime is a very intense time in farming and many of the members of BLOCK Clean Line and of the general public have been focused on planting and spring livestock births. The DOE initially noticed a DEIS Comment period of 90 days, and then extended the time for comments for the DEIS another 30 days, totaling 120 days. 79 FR 75132; 79 FR 78079; 80 FR 7850. Conversely, for the “non-NEPA” review, only 45 days was noticed for comments, from publication on April 28, 2015 to the deadline of June 12, 2015. 80 FR 23520. This difference in time allotted for public comment is inequitable. Further, at the DEIS hearings, BLOCK Clean Line members were told that “crossover” comments would be automatically sent to the 1222 review, yet logically, how could one comment on Section 1222 issues where the “updated application” had not yet been released?³

BLOCK Clean Line requests at the minimum equal time to Comment on the Application for the “non-NEPA” review as for the DEIS. This is the substantive analysis, upon which the DOE will make its decision. This phase of the process is more complicated and even more important than that of environmental review. Therefore, BLOCK Clean Line requests an extension of at least 90 days for comments on the “non-NEPA” review, 75 days to mirror the EIS comment period, and an additional 15 days due to the volume and density of the material for comment. BLOCK Clean Line requests the comment deadline be extended to September 11, 2015.

³ As of this date, none of the pertinent parts of the DEIS comments that would relate to 1222 have been posted to the DOE site. There is no evidence that there has been any “crossover” of comments.

Respectfully submitted,



Dated: June 8, 2015

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