

June 24, 2024

Maria Robinson  
Director, Grid Deployment Office  
United States Department of Energy  
1000 Independence Avenue SW  
Washington, DC 20585

Dear Ms. Robinson:

The New England States Committee on Electricity (“NESCOE”)<sup>1</sup> appreciates the opportunity to provide comments on Phase 2<sup>2</sup> of the nonbinding process that the U.S. Department of Energy (“DOE”) plans to generally follow to designate National Interest Electric Transmission Corridors (“NIETCs”) pursuant to section 216(a) of the Federal Power Act (“FPA”)<sup>3</sup> as amended by the Infrastructure Investment and Jobs Act (“IIJA”).<sup>4</sup>

### **Background**

On May 8, 2024, DOE released its preliminary list of potential NIETCs, identifying which potential NIETCs DOE is continuing to consider, providing a high-level explanation of the basis for those potential NIETCs, and opening a public comment period.<sup>5</sup> DOE invites interested parties to comment on the information contained within the preliminary list of potential NIETCs.<sup>6</sup>

DOE notes that pursuant to FPA Section 216(a)(2), it has considered the results of its 2023 Needs Study<sup>7</sup> as well as other information relating to electric transmission capacity constraints and congestion to develop this Preliminary List of Potential NIETCs.<sup>8</sup> DOE further explains that

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<sup>1</sup> NESCOE is New England’s Regional State Committee and represents the collective views of the six New England states.

<sup>2</sup> See DOE, *Initiation of Phase 2 of National Interest Electric Transmission Corridor (NIETC) Designation Process: Preliminary List of Potential NIETCs Issued Pursuant to Section 216(a) of the Federal Power Act* (May 8, 2024) (“Preliminary List of Potential NIETCs”), <https://www.energy.gov/sites/default/files/2024-05/PreliminaryListPotentialNIETCsPublicRelease.pdf>.

<sup>3</sup> 16 U.S.C. 824p.

<sup>4</sup> Pub. L. No. 117-58 (Section 40105).

<sup>5</sup> Preliminary List of Potential NIETCs at 3.

<sup>6</sup> *Id.*

<sup>7</sup> DOE, *National Transmission Needs Study* (Oct. 2023) (“2023 Needs Study”), [https://www.energy.gov/sites/default/files/2023-12/National%20Transmission%20Needs%20Study%20-%20Final\\_2023.12.1.pdf](https://www.energy.gov/sites/default/files/2023-12/National%20Transmission%20Needs%20Study%20-%20Final_2023.12.1.pdf).

<sup>8</sup> Preliminary List of Potential NIETCs at 4.

it has developed this list taking into account the preliminary finding in the NIETC Guidance<sup>9</sup> that NIETC designation may be particularly valuable in geographic areas where the 2023 Needs Study identifies the need for increased interregional transfer capacity.<sup>10</sup>

Included in DOE’s Preliminary List of Potential NIETCs is the New York-New England NIETC, an approximately 1-mile-wide, 60-mile-long east-west geographic area that includes an existing state highway transportation corridor in eastern New York and high-voltage transmission right of way in western Massachusetts.<sup>11</sup> DOE notes that the New York-New England potential NIETC encompasses a geographic area where there is significant need for increased interregional transfer capacity to maintain and improve reliability and resilience, reduce congestion, meet future generation and demand growth, lower consumer costs, and integrate more clean energy resources.<sup>12</sup> DOE explains that these preliminary findings are based on the 2023 Needs Study as well as other relevant information and are consistent with DOE’s preliminary finding in the NIETC Guidance regarding the particular value of NIETC designation where there is need for increased interregional transfer capacity.<sup>13</sup>

DOE points out that the 2023 Needs Study identifies the need to improve system reliability and resilience through additional transfer capacity between the New York and New England regions, noting that the Needs Study findings demonstrate that in the ISO-NE region, high levels of anticipated variable energy resource integration are expected to pose challenges to maintaining reliability.<sup>14</sup> DOE further explains that recent experience with extreme weather events demonstrates the value additional interregional transfer capacity would have for consumers in ensuring resilience and lowering costs by ensuring that energy can be delivered from where it is available to where it is needed during these extreme events.<sup>15</sup> Finally, DOE notes that in addition to the reliability and resilience benefits of resource diversification, transmission developed in this potential NIETC would lower consumer costs by enabling the integration of more low-cost generation resources in upstate New York.<sup>16</sup>

### **NESCOE Comments**

NESCOE is generally supportive of DOE’s multi-phase NIETC designation process, which includes meaningful opportunities for public engagement, and DOE’s finding that increased interregional transfer capacity is needed in the New York-New England geographic area to

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<sup>9</sup> DOE, *Guidance on Implementing Section 216(a) of the Federal Power Act to Designate National Interest Electric Transmission Corridors* (Dec. 19, 2023) (“NIETC Guidance”), <https://www.energy.gov/sites/default/files/2023-12/2023-12-15%20GDO%20NIETC%20Final%20Guidance%20Document.pdf>.

<sup>10</sup> Preliminary List of Potential NIETCs at 4.

<sup>11</sup> *Id.* at 10.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 10-11 (citing 2023 Needs Study at 54).

<sup>15</sup> *Id.* (internal citations omitted).

<sup>16</sup> *Id.* at 12.

maintain and improve reliability and resilience, reduce congestion, meet future generation and demand growth, lower consumer costs, and integrate more clean energy resources.<sup>17</sup>

While NESCOE is generally supportive of the findings in the 2023 Needs Study about the need for increased transfer capacity between New York and New England, NESCOE declines to opine on the geographic boundaries of the New York-New England Potential NIETC as identified by DOE in Phase 2.<sup>18</sup> NESCOE, however, underscores the importance of DOE giving careful consideration to state and local stakeholder feedback on the geographic boundaries of the New York-New England Potential NIETC and the potential impacts on environmental, community, and other resources within the potential corridor.

NESCOE commends DOE on its efforts to ensure that states and other stakeholders have a meaningful opportunity to comment on DOE's Preliminary List of Potential NIETCs and to participate in the multi-phase NIETC designation process. As NESCOE has noted, it is critical that the NIETC designation process provide a clear and prominent role for states that also recognizes the primacy of the states' siting authority.<sup>19</sup> In addition to DOE's efforts to provide for meaningful state participation, NESCOE notes that the recent decision by FERC in Order No. 1977 to preserve the one-year delay between relevant state siting applications and the commencement of FERC's siting application pre-filing process alleviates some of NESOE's concerns about the potential friction between state and federal transmission siting processes.

NESCOE appreciates the opportunity to comment on Phase 2 of DOE's NIETC designation process and specifically on the Preliminary List of Potential NIETCs. We look forward to continued collaboration with the Department's Grid Deployment Office on electric transmission issues.

Respectfully Submitted,

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<sup>17</sup> Preliminary List of Potential NIETCs at 10.

<sup>18</sup> Because the Preliminary List of Potential NIETCs lacks route-specific analysis, NESCOE is unable to opine on whether the proposed route for the New York-New England NIETC represents the best opportunity to maintain and improve reliability and resilience, reduce congestion, meet future generation and demand growth, lower consumer costs, and integrate more clean energy resources per DOE's stated goals.

<sup>19</sup> NESCOE, *Letter to DOE Regarding Delegating National Interest Electric Transmission Corridor Designation* (Sept. 9, 2011) ("2011 NESCOE NIETC Letter"), <https://nescoe.com/resource-center/doe-nietc-delegation-ferc-sep2011/>; NESCOE, *Letter to DOE Regarding DOE's Proposed Approach to a National Interest Electric Transmission Corridor Designation* (July 28, 2023), <https://nescoe.com/resource-center/nescoe-comments-on-the-national-interest-electric-transmission-corridor-designation-process/>.