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U.S. Department of Energy
Grid Deployment Office, 4H-065
1000 Independence Ave., SW
Washington, D.C. 20585

RE: Coordination of Federal Authorizations for Electric Transmission Facilities, Docket No. DOE-HQ-2023-0050

The Solar Energy Industries Association (SEIA) is the national trade association of the U.S. solar energy industry. Our members promote the environmentally responsible development of solar energy, energy storage, and associated transmission and distribution. We are committed to working with federal agencies, environmental and conservation organizations, Tribal governments, state agencies, and other stakeholders to achieve this goal. On behalf of our member companies, SEIA appreciates the opportunity to provide this response to this Notice of Proposed Rulemaking.

I. INTRODUCTION

SEIA is committed to building a strong solar energy industry to speed the country's energy transition and address the climate crisis. As the national trade association for the U.S. solar and storage industry, which employs more than 230,000 Americans, we represent over 1,000 organizations that manufacture, install, and support the development of solar energy.

The solar and storage industry is deeply committed to helping our nation meet the renewable energy targets set forth by President Biden in a just and equitable manner. In order to modernize the grid and address the climate crisis, solar energy must account for at least 30% of U.S. generation by the end of this decade and 40-50% by 2035. That means roughly quadrupling our current pace of installations by 2030.

Over the last 20 years, the generation mix in this country has changed and will continue to change. But the buildout of the transmission system needed to support that new generation mix has not kept pace. Since 2010, investment in regionally planned transmission has decreased significantly.¹ This is due to, in part, an uncoordinated and unpredictable federal permitting

¹ Jay Caspary, et al., *Disconnected: The Need for a New Generator Interconnection Policy* at 21 (Jan. 2021), <https://cleanenergygrid.org/wp-content/uploads/2021/01/Disconnected-The-Need-for-a-New-Generator-Interconnection-Policy-1.14.21.pdf>.) (“The total regionally planned transmission investment in [regional transmission organizations] decreased by 50 percent.”).

system where new transmission projects require multiple federal agencies' authorization. Currently the system for obtaining those authorizations is inefficient, can require duplicative costs, and is often filled with unexpected delays that can result in much needed transmission lines wasting away in development purgatory. Transmission projects can take more than ten years to go from planning to in-service, *if* they can make it through the process at all. A system that helps federal agencies coordinate the information needed for Federal authorizations with reasonable and predictable timelines will go a long way in speeding permitting for much needed transmission infrastructure while still maintaining robust environmental review.

The historic Inflation Reduction Act (IRA)² and the Infrastructure Investment and Jobs Act³ (IIJA) represent the greatest opportunity in American history to dramatically reduce carbon emissions while creating hundreds of thousands of jobs, reshoring a domestic manufacturing base, and reinvesting in the communities affected the most by energy development. But this work is far from complete, and policymakers and stakeholders across the ideological spectrum have identified the lack of transmission infrastructure and siting and permitting reforms as two of the most important priorities to ensure the promise of the IRA is fully realized. Coordination of federal authorizations, like the Coordinate Interagency Transmission Authorization and Permits (CITAP) Program proposed here, for transmission facilities is an important step towards improving efficiency in federal permitting and unleashing the full potential of the IRA.

II. COMMENTS

A. **The Proposed Rule Addresses Major Impediments to Transmission Buildouts which is Essential to Responding to Impending Climate Related Impacts, in Assuring Future Grid Reliability, and in Meeting the Biden Administration's Policy Goals.**

SEIA supports transmission buildouts which are necessary to address climate change. As weather events become more frequent and extreme, so will the need for a more robust transmission system. Transmission needs to be developed to span multiple regions and allow customers access to generation resources with diverse geography, technology, and fuel sources to protect against extreme weather events.³ Future grid reliability also necessitates further transmission buildouts to reduce congestion and related costs and to bolster the current transmission system. Congestion and reliability have worsened due to extreme weather, increasing electricity demand, and a changing grid mix.⁴ In 2022, congestion costs doubled the

² Pub. L. 117-169 §50151 136 Stat. 2046 (2022).

³ Pub. L. 117-58 § 40105, 135 Stat. 429 (2021).

⁴ Grid Strategies (2023) Transmission Congestion Costs Rise Again in U.S. RTOs. Available at: https://gridstrategiesllc.com/wp-content/uploads/2023/07/GS_Transmission-Congestion-Costs-in-the-U.S.-RTOs1.pdf. See also Howland, E. (2023) US grid congestion costs jumped 56% to \$20.8B in 2022: Report, Utility Dive. Available at: <https://www.utilitydive.com/news/grid-congestion-costs-transmission-gets-grid-strategiesreport/687309/#:~:text=Costs%20to%20consumers%20from%20congestion%20on%20the%20U.S.,report>

2021 five-year average and tripled the five-year averages from 2016 to 2019.⁵ In addition, reliability suffers as extreme weather increasingly causes outages such as those experienced during Winter Storms Uri and Elliot.⁶ As already seen in the Delmarva peninsula, communities living in isolated areas will suffer as congestion costs and outages worsen.⁷ To reduce these inevitabilities, transmission capacity needs to be built at scale and speed.

Transmission buildouts are also essential to meeting the Biden Administration’s climate-based commitments. The Biden administration has made it a “national energy policy”⁸ to transition to “a carbon pollution-free electricity sector by 2035.”⁹ Without the ability to permit and build the necessary transmission lines over the next decade to integrate clean energy to the grid, meeting that goal will be impossible. Furthermore, the IIJA and IRA made significant government investments in clean energy manufacturing and generation. But the benefits of these investment cannot be fully realized without transmission infrastructure.¹⁰ Studies predict as much as a 70%-86% reduction of carbon dioxide emissions by 2030 compared to 2005 emissions as a result of these investments.¹¹ However, in the Proposed Rule, DOE predicted that transmission capacity must rise 2.3% annually to support the investments of the IRA. The current rate of transmission

%20released%20Thursday%20by%20consulting%20firm%20Grid%20Strategies. (In 2022 congestion costs jumped 56%, doubling the 2021 five-year average and tripling the five-year averages from 2016 to 2019.)

⁵ *Id.*

⁶ Solomon, H (2023) It’s Time to Rethink Grid Reliability. Available at: <https://www.utilitydive.com/news/grid-reliability-energy-transition-energy-innovation/688423/>.

⁷ Howland, E (2022) PJM Seeks Mid-Auction Capacity Market Rule Change to Address Anomaly that Led to ‘Unjust’ Price. Available at: <https://www.utilitydive.com/news/pjm-capacity-auction-rule-change-delmarva-ferc/639405/>.

⁸ 16 U.S.C. § 824p(a)(4)(D).

⁹ Exec. Order No. 14,057, § 101, 86 Fed. Reg. 70,935, 70,935 (Dec. 8, 2021); *see also* NOI/RFI, 88 Fed. Reg. at 30,957 & n.2 (citing Exec. Order No. 14,008, 86 Fed. Reg. 7619 (Feb. 1, 2021)).

¹⁰ National Transmission Needs Study (Feb. 2023), available at: <https://www.energy.gov/sites/default/files/2023-02/022423-DRAFTNeedsStudyforPublicComment.pdf>.

¹¹ National Transmission Needs Study (Feb. 2023), available at: <https://www.energy.gov/sites/default/files/2023-02/022423-DRAFTNeedsStudyforPublicComment.pdf>. *See also*, DOE. 2022c. The Inflation Reduction Act drives significant emissions reductions and positions American to reach our climate goals. Washington, DC: DOE. https://www.energy.gov/sites/default/files/2022-08/8.18%20InflationReductionAct_Factsheet_Final.pdf; Jenkins J, Mayfield E, Farbes J, Jones R, Patankar, Xu Q, Schivley G. 2022. Preliminary Report: The climate and energy impacts of the Inflation Reduction Act of 2022. Princeton, NJ: 2022-08-12.pdf; Larsen J, King B, Kolus H, Dasari N, Hiltbrand G, Herndon W. 2022. A turning point for US climate progress: Assessing the climate and clean energy provisions in the Inflation Reduction Act. New York, NY: Rhodium Group. <https://rhg.com/research/climate-clean-energyinflation-reduction-act/>; Mahajan M, Ashmoore O, Rissman J, Orvis R, Gopal A. 2022. Updated inflation reduction act modeling using the energy policy simulator. San Francisco: Energy Innovation. <https://energyinnovation.org/wp-content/uploads/2022/08/Updated-InflationReduction-Act-Modeling-Using-the-Energy-Policy-Simulator.pdf>; Roy N, Burtraw D, Rennert K. 2022. Retail electricity rates under the Inflation Reduction Act of 2022. Washington, DC: Resources for the Future. https://media.rff.org/documents/IB_22-07_HcKDycO.pdf.

capacity increases are about 1% per year.¹² Without significant reform, the U.S. will be unable to unleash the full potential of the IRA.

B. Improving Uncoordinated Agency Reviews

SEIA strongly supports an environmental review process led by a single Federal agency, supported by a co-lead agency as appropriate.¹³ In Section 216(h) of the FPA, Congress authorized coordinated review of applications for Federal authorizations of site transmission facilities and authorized a lead agency to coordinate all environmental reviews required.¹⁴ Currently a lack of coordination among agencies causes unpredictability and inefficiency in the environmental review process. Agencies are spending valuable resources duplicating work that has already been completed by other agencies, wasting valuable time and resources as projects wait for duplicative reviews. Coordination will provide a more predictable and efficient process, a reduction in unnecessary delays and costs, and heightened allowance for more robust environmental reviews.

C. Early Community Engagement, Addressing Local Opposition to Transmission Facilities

SEIA supports the Proposed Rule's emphasis on early and consistent community engagement which promotes the equitable participation that is essential to a just transition.¹⁵ Local opposition to transmission facilities can often lead to delayed or sometimes cancelled projects. Developers and federal permitting agencies must engage local communities early and often to ensure that they are heard and that they have their concerns addressed. Furthermore, opportunities for robust engagement early in the process reduce delays because applicants can address concerns from the affected communities earlier, when it is less costly to do so.¹⁶ Addressing local opposition and gaining local support is critical in moving transmission projects forward in a timely manner.¹⁷

SEIA agrees with DOE's conclusion that early engagement will allow applicants and government entities to be more efficient with time and resources.¹⁸ The Proposed Rule promotes

¹² DOE, *Coordination of Federal Authorizations for Electric Transmission Facilities* ("NOPR"), 88 Fed. Reg. 55,826 (Aug. 16, 2023).

¹³ NOPR §900.12.

¹⁴ 16 U.S.C. § 824p(h).

¹⁵ Exec. Order No. 14,057, § 101, 86 Fed. Reg. 70,935, 70,935 (Dec. 8, 2021).

¹⁶ Recommended Siting Practices for Electric Transmission Developers, at 27 (Feb. 2023), <https://cleanenergygrid.org/wp-content/uploads/2023/02/Recommended-Siting-Practices-for-Electric-Transmission-Developers-February-2023-Americans-for-a-Clean-Energy-Grid.pdf>.

¹⁷ Susskind, et al., Sources of opposition to renewable energy projects in the United States, Energy Policy 165 (June 2022), <https://www.sciencedirect.com/science/article/pii/S0301421522001471> (finding that early community engagement can help developers avoid extended delays or project cancellations.)

¹⁸ NOPR §900.5(d).

transmission buildouts while working to avoid adverse impacts to communities of interest by working with communities to integrate the infrastructure in a beneficial manner. Building support for these projects is essential to addressing climate change, improving grid reliability, and meeting administrative goals.

Finally, SEIA supports a final rule that considers the size of a project in determining who may be considered an affected landowner under the definition Proposed in § 900.2(1).¹⁹ SEIA supports a final rule that considers the scale of the project, geographic considerations, and resource usage of landowners in determining whether a landowner is an “affected landowner” under the rule’s definition.

D. The Proposed Rule Offers Earlier Intervention of Federal Agencies but Amount of Information Required in the Resource Reports Must be Appropriate for the Early Scoping Process

SEIA supports the Proposed Rule providing for earlier intervention of Federal agencies.²⁰ The Integrated Interagency Preapplication (IIP) requires applicants to meet with relevant agencies prior to application submission to ensure that all analysis and information is available prior to the submission of an application through CITAP. This allows applicants to be better prepared for environmental reviews and reduce delays in the permitting process. Meetings suggested in the Proposed Rule will enable applicants to adequately prepare for application and create predictable timelines and expectations for all involved entities.

SEIA also supports DOE’s proposal to require concise resource reports to coordinate the early and efficient gathering of analysis and information required to inform environmental reviews. A final rule should ensure, however, that the amount of information required at this early planning stage is not too burdensome or costly to deter developers from participating in the IIP process. Some information required in the resource reports may not be yet available or is extremely costly to obtain at this early stage. In these cases, DOE should provide some flexibility to ensure that a project proponent’s resource reports act as the starting point that informs scoping rather than a barrier to efficient Federal environmental review.

E. DOE Should Require a Joint Record of Decision Based Off of the Lead Agencies’ Environmental Impact Statement

To facilitate an efficient environmental review process, SEIA supports a final rule that, much as possible, mirrors the recent relevant statutory amendments to the National Environmental Policy Act (NEPA).²¹ These recent amendments codified longstanding Council on Environmental Quality’s (CEQ) regulations intended to reduce regulatory burdens and speed the permitting of clean energy infrastructure.

¹⁹ NOPR §900.2.

²⁰ NOPR §§900.5, 900.8 and 900.9.

²¹ 42 U.S.C. §§ 4332(2)(C), 4336.

In general, DOE’s proposed rule is well-aligned with the recent statutory amendments and CEQ new draft regulations to implement those amendments. However, there is one place in particular where the rule departs from that standard approach without explanation. The proposed rule states that relevant Federal entities “shall use the EIS as a basis for all Federal authorization decisions on the qualifying projects,” however, each federal agency will issue their own records of decision.²² Recent revisions to NEPA require the lead and co-lead agencies to evaluate any EIS in a single record of decision.²³ Requiring multiple records of decision from each involved agency, based off a single EIS, would defeat DOE’s overall purpose under this proposal to promote efficiency and speed the building of needed transmission. One joint record of decision would promote those goals while not sacrificing robust environmental review.

²² NOPR, 88 Fed. Reg. at 55,855 (proposed 10 C.F.R. § 900.12(f)).

²³ 42 U.S.C. § 4336a(b). (CEQ’s proposed Phase 2 regulations mirror this change) *See* CEQ, *National Environmental Policy Act Implementing Regulations Revisions Phase 2*, 88 Fed. Reg. 49,924, 49,971

III. CONCLUSION

SEIA appreciates DOE's Proposed Rule as a step towards progress in building out a transmission system which is essential in addressing climate change and ensuring reliability. DOE's Proposed Rule provides for the opportunity to address impediments to essential transmission buildouts and make more efficient a process which has long been unnecessarily hindered. SEIA requests that DOE consider these comments in crafting a rule that is both effective and just.

Respectfully submitted,

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