



State of Alabama

ALABAMA PUBLIC SERVICE COMMISSION
P. O. BOX 304260
MONTGOMERY, ALABAMA 36130-4260

LUCY BAXLEY, PRESIDENT

JAN COOK, ASSOCIATE COMMISSIONER

SUSAN D. PARKER, PhD, ASSOCIATE COMMISSIONER

WALTER L. THOMAS, JR.

SECRETARY

December 18, 2009

Kimberly D. Bose, Secretary
Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Re: Alabama Public Service Commission Comments
Transmission Planning Processes Under Order No. 890
FERC Docket No. AD09-8, Request for Comments

Dear Secretary Bose and Deputy Secretary Davis:

The Alabama Public Service Commission appreciates this opportunity to file its attached Comments in this proceeding. Should you require any additional information or have any questions or concerns regarding this filing, please contact the undersigned at (334) 242-9579 so that such information may be supplied expeditiously.

Sincerely,
/s/John D. Free
John D. Free
Advisory Staff
Alabama Public Service Commission

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

**Transmission Planning Processes
Under Order No. 890**

Docket No. AD09-8

**COMMENTS OF THE
ALABAMA PUBLIC SERVICE COMMISSION**

The Alabama Public Service Commission (“APSC”) is hereby submitting these comments in response to the Federal Energy Regulatory Commission’s (“FERC”) October 8, 2009, “Notice of Request for Comments” (“Request”) concerning transmission planning processes under Order No. 890. The APSC files these comments in support of the existing transmission planning (and other electric planning) processes that have well-served the industries and citizens of this state. The APSC is providing these comments largely in response to attempts by certain commenters in this proceeding to convince FERC to take extreme actions that, if adopted, would threaten the effective transmission and resource planning processes used in this state and force Alabama consumers to subsidize certain generation and transmission developers as well as ratepayers in other regions. For these reasons, the APSC recommends that FERC continue with its Order No. 890 planning processes that ensure that transmission planning is performed in an open, transparent, and coordinated manner and reject such extreme calls that would substantively interfere with existing planning processes and harm consumers.

I. Current Planning Processes Have Resulted in a Robust Transmission System in Alabama

The integrated resource planning (“IRP”) and transmission planning processes used in the Southeast have produced a transmission system in Alabama that is characterized by high

reliability and low congestion. The former President of the APSC, Commissioner Jim Sullivan, provided testimony in this regard at the regional workshop conducted by the Department of Energy (“DOE”) in Atlanta, Georgia on July 29, 2008 in preparation of DOE’s 2009 Transmission Congestion Study,¹ with the APSC providing comments in support of that testimony.² As discussed in those comments, due to Alabama’s current planning processes, Alabama has little congestion, with the electric utility that is regulated by the APSC in this state, Alabama Power Company (“Alabama Power”) having invested significant amounts in its transmission system.³ Specifically, and using currently available investment data, Alabama Power has invested nearly \$500,000,000 in its transmission system from 2005-2008, and has budgeted to invest an additional \$162,600,000 in transmission in 2009.

“Furthermore, Alabama has experienced significant economic development opportunities over the last ten years and has become a preferred siting location for a great deal of new industry. Much of this success is, in large part, attributable to the strength of our electric infrastructure. For example, over the last ten years, the following major companies have located in Alabama, and most of these cited low electric rates and high reliability as a consideration for locating in Alabama.”

“Company Name	Year Operations Began	Industry
Mercedes Benz	1995	Automotive
Tuscaloosa Steel (NUCOR)	1995	Primary Metals

¹ See U.S. Department of Energy Pre-Congestion Study Regional Workshops for the 2009 National Electric Congestion Study, Atlanta, GA (July 29, 2008) (“Atlanta Transcript”).

² See Alabama Public Service Commission Comments on DOE’s Preparation of the 2009 Transmission Congestion Study and the Atlanta Regional Workshop (October 15, 2008) (“APSC Comments”). Given the relevance of those comments to the issues raised in this proceeding, a copy of those comments is attached hereto as Exhibit 1.

³ APSC Comments at p. 2.

Mitsubishi Polysilicon	1997	Chemicals
IPSCO Steel	2000	Primary Metals
Honda	2001	Automotive
Fortier Yarns	2002	Textile
Hyundai	2004	Automotive
Berg Steel	2007	Primary Metals
Kronospan	2007	Wood Products
Louisiana Pacific – Thomasville	2007	Wood Products
ThyssenKrupp Steel	2009	Primary Metals”

“Lastly, and as discussed by Commissioner Sullivan at the Atlanta Workshop:

I’ve been a commissioner in Alabama for 25 years. And I think because our transmission system is in such good shape, we’ve been so far ahead of the curve, this [congestion issue] has never come up as one of the major issues that reaches, frankly, the commissioner level. And I think that’s a good indication that our region of the country is doing a good job of being proactive.

Atlanta Transcript, at 18.”⁴

In its comments to DOE, the APSC further explained that the foregoing successes are largely the result of the IRP and transmission planning processes that are used in this region:

[T]he major reason for this lack of long-term congestion is that Alabama remains a state in which both generation *and transmission*, along with distribution and demand side management, are all jointly studied through the integrated resource planning process to provide service to consumers on a least-cost basis. In this process, reliability and long-term economic dispatch are the primary drivers for transmission system improvements and expansion plans. This integrated process reduces congestion by ensuring that new and existing generation resources committed

⁴ APSC Comments at pp. 2-3.

[footnote 1 moved to text below] to serving the citizens of this region on a long-term basis can be delivered without congestion. In contrast, so called “organized markets” generally no longer engage in such integrated planning but instead have largely separated transmission planning from generation development planning.

As further discussed by Commissioner Sullivan at the Atlanta Workshop, Alabama Power does not perform this integrated resource planning in isolation. Rather, Alabama Power does so in coordination with the other retail operating companies within Southern Companies’ system as well as with other affected utilities. The results of this integrated resource planning are incorporated into SERC studies so as to ensure reliability and simultaneous feasibility. In this manner, transmission providers are able to address long-term congestion that might otherwise arise due to changes on other transmission systems, and such coordinated planning facilitates the addressing of significant congestion throughout the region.

It also bears noting that outside of planning for long-term economic dispatch for native load customers, there is also a process in place to provide long-term firm transmission service to third parties. Should a third party desire to have a transmission improvement made to address a congestion problem that it has identified, all that such a customer has to do is to commit to taking long-term service under Southern Companies’ OATT. If such a commitment is made, then Southern Companies will move forward to make the transmission enhancements necessary for that third-party to receive long-term firm service without congestion. Pursuant to this transmission tariff process, third parties can determine for themselves whether it makes economic sense to commit to the costs of long-term firm service so as to pursue market opportunities or to forego the transaction.

/footnote 1/ The transmission system is planned to enable an economic dispatch of network resources and other long-term commitments without incurring congestion. Network resources include committed Alabama Power generators, generators of Southern Companies’ affiliates, and IPP generators that are committed to serving consumers through Purchase Power Agreements. In addition, as discussed further below, third parties can similarly receive long-term delivery service without

congestion if they commit to long-term service under Southern Companies' Open Access Transmission Tariff ("OATT").⁵

II. FERC Should Not Adopt Calls to Significantly Restructure These Planning Processes or to Force a Broad Cost Socialization

Accordingly, the current IRP and transmission planning processes are working well in this region. Importantly, FERC's Order No. 890 transmission planning requirements served to largely make the current transmission planning processes more open and transparent to third parties without otherwise substantively interfering with the effective means by which such transmission planning or resource planning are performed. FERC is to be commended for striking such a balance. However, several entities have filed comments in this proceeding that would have FERC take extreme actions that would almost certainly interfere with these planning processes and thereby harm Alabama consumers. While these comments do not attempt to address every proposal that could prove harmful given the sheer volume of comments filed in this proceeding, the following addresses some of the more high level arguments that are being made.

A. Interconnection-Wide Planning and Broad Cost Socialization Proposals Would Undermine Current IRP Planning Processes

Several commenters make arguments that would have the transmission planning process effectively make resource procurement decisions. In particular, several commenters argue for "top down," interconnection-wide planning⁶ and broad cost socialization⁷ approaches. These

⁵ APSC Comments at p. 4 and n. 1 (footnote moved to text).

⁶ See, e.g., Comments of MidAmerican Energy Holding Co. ("MidAmerican") at pp. 8, 12; Comments of American Electric Power Services Corp. ("AEP") at pp. 8, 16.

⁷ See, e.g., Comments of American Wind Energy Association ("AWEA") at pp. 4-8; Comments of the Solar Energy Industries Association at pp. 21-26; Comments of Starwood Energy Group Global LLC, p. 7; Comments of BP Energy Co. at pp. 5-7. The Commission should note that many commenters attempt to disguise the socialization of costs by promoting a "beneficiary pays" approach where nearly everyone in a region (or interconnection) would be deemed to be a "beneficiary" of transmission construction.

proposals would likely frustrate the effectiveness of current IRP processes that Alabama and others use to render low cost and reliable service to their citizens. As indicated above in the APSC's comments to DOE, the results of the state-regulated, IRP processes that select the incremental resource additions on a least-cost basis are incorporated into the transmission planning processes. This means that the resources selected as the least-cost option through the IRP processes are incorporated into the transmission planning processes to ensure that their output can be delivered on a long-term basis without long-term congestion.

Requiring the adoption of a top down, interconnection-wide transmission planning process would turn these processes on their head. Instead of having the state-regulated IRP processes drive, at least in part, the transmission planning processes, an interconnection-wide, top down transmission planning process would almost certainly drive resource selection decisions. For example, those who are arguing for interconnection-wide planning also generally argue for the construction of an Extra High Voltage ("EHV") system in at least certain parts of the Eastern Interconnection. The location of such EHV lines would have a tremendous impact on future resource procurement decisions by providing resources that would be served from those lines a tremendous competitive advantage. This advantage would only be compounded if the costs of those EHV lines are required to be broadly socialized. As such, rather than the state-regulated IRP processes selecting the true least-cost option, those approaches would be skewed in favor of selecting resources served from such subsidized, EHV lines.

Under the Federal Power Act ("FPA"), generation decisions are largely the domain of the states, with FPA Section 201 providing that FERC "shall not have jurisdiction, except as specifically provided ... over facilities used for the generation of electric energy." 16 U.S.C. § 824(b)(1)(2006). In addition, the Energy Policy Act of 2005 requires FERC to exercise its FPA

authority “in a manner that facilitates the planning and expansion of transmission facilities to meet the reasonable needs of load-serving entities to satisfy the service obligations of the load-serving entities....” 16 U.S.C. § 824q(b)(4). Adopting policies that would undermine the IRP processes that load serving entities use to meet their load obligations would be counter to this statutory requirement. Furthermore, since these approaches would frustrate state-IRP processes, they would be inconsistent with the FERC’s holding in Order No. 890 that:

The transmission planning processes we require in this Final Rule are not intended in any way to infringe upon state authority with regard to integrated resource planning. Rather, we believe that the transparency provided under an open regional transmission planning process can provide useful information which will help *states* to coordinate transmission and generation siting decisions, allow consideration of regional resource adequacy requirements, facilitate consideration of demand response and load management programs *at the state level*, and address other factors *states* wish to consider. Order No. 890, n. 274 (2007) (emphasis added).

Likewise, these approaches would be inconsistent with FERC’s holding in Order No. 717 that FERC intends to promote, not create barriers to, long-term planning (including integrated resource planning.). See Order No. 717 at PP 9, 77.

B. A Broad Cost Socialization Approach Would be Patently Unfair and Inappropriate.

As discussed above, Alabama has, at great expense, constructed a robust transmission system. It would be patently unfair, unjust and unreasonable for the citizens of Alabama to also now have to pay for the costs to construct a similarly robust transmission system in other areas of the country that are currently characterized by high congestion. Indeed, most of the EHV, interconnection-wide transmission planning proposals that are currently being circulated have the vast majority of the new EHV lines being constructed outside of the Southeast, with the AEP's "Interstate Transmission Vision for Wind Integration" proposal⁸ and DOE's "20% Wind Energy by 2030" study⁹ showing no such new lines being constructed in this region. It would also be patently unfair and inappropriate for the citizens of Alabama to have to pay for the costs of facilities that they do not cause to be constructed and that are not used and necessary to provide them electric service, thereby failing basic principles of cost causation and the requirement that facilities be "used and useful" before being incorporated into a consumer's rates. FERC should thus reject calls to impose a broad socialization of transmission costs.

C. FERC Should Not Attempt to Force the Adoption of Merchant Transmission.

In order to promote merchant transmission developers, several commenters argue that FERC should not allow incumbent transmission owners a right of first refusal for new transmission. See, e.g., Comments of Renewable Energy Systems Americas, Inc. at pp.1-2; Comments of Green Energy Express at pp. 5-10; Comments of Transmission Access Policy Study Group at p. 20; Comments of NextEra Energy Resources, LLC at pp. 20-21. The APSC is

⁸ This proposal is available at:
<http://www.aep.com/about/i765project/docs/WindTransmissionVisionWhitePaper.pdf>

⁹ This study is available at http://www.20percentwind.org/20percent_wind_energy_report_revOct08.pdf

concerned that adopting these arguments could weaken the APSC's ability to protect ratepayers in this state. In this regard, the APSC regulates Alabama Power Company, a vertically integrated utility, with a key aspect of this regulatory oversight being rate regulation to ensure that retail ratepayers bear only just and reasonable electric rates. See Code of Ala. §§ 37-1-31 and 37-1-80. The advent of merchant transmission would seem to weaken the effectiveness of this rate regulation and consumer protections because the transmission assets that such merchant would own might be beyond the scope of the APSC's jurisdiction, even though Alabama retail ratepayers might bear such transmission costs. Given these considerations, FERC should not take actions that could force the entry of merchant transmission in this region, and should only adopt policies that could encourage their entry if the state Commissions in this region concur that such an approach is appropriate.

D. FERC Should Allow the Newly Created Order No. 890 Planning Processes and the EIPC and EISPC Efforts Time to Meaningfully Develop Before Embarking Upon Additional Transmission Planning Requirements

The Order No. 890 planning process have been in effect for barely two (2) years. As such, those processes are still in their infancy, with compliance filings to implement Order No. 890's transmission planning requirements still pending before FERC. Furthermore, the Eastern Interconnection Planning Collaborative ("EIPC") and the Eastern Interconnection States' Planning Council ("EISPC") have only recently been formed, with the APSC participating in the EISPC process. Given these recent and significant developments, it would be premature for FERC to embark upon any new, major changes in transmission planning.

CONCLUSION

The Alabama Public Service Commission supports the existing transmission and resource planning processes that have been used to develop a robust transmission system for the benefit of

Alabama industries and citizens. As FERC considers the issues raised in this proceeding, FERC should ensure that any actions it might take will not weaken the effectiveness of these planning processes or otherwise weaken the states' ability to effectively regulate the provision of retail service to consumers.

Sincerely,

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John D. Free
Advisory Staff
Energy Issues & Policy Advisor
Alabama Public Service Commission

Wednesday, October 15, 2008 10:27 AM
Congestion Study Comment 81356

Attachments: 2009XMCONGESComentz_81356.doc



Thank you for your comment, Eugene Hanes.

Your comment has been successfully received and entered into the comment tracking system. Please note that there is no need to send a duplicate set of comments via mail or other means.

The comment tracking number that has been assigned to your comment is 81356. Once the comment document has been published, please refer to the comment tracking number to locate the response.

Comment Date: October 15, 2008 10:26:55AM CDT

Congestion Study
Comment: 81356

First Name: Eugene
Middle Initial: G
Last Name: Hanes
Organization: Alabama Public Service Commission
Address: P.O.Box 304260
City: Montgomery
State: AL
Zip: 36130
Country: USA
Email: gene.hanes@psc.alabama.gov
Attachment: I:\ELEC\2009XMCONGESComentz.doc

Questions about submitting comments over the Web? Contact us at: congestion09@anl.gov or call the Congestion Study Webmaster at (630)252-6182.



STATE OF ALABAMA
ALABAMA PUBLIC SERVICE COMMISSION
P.O. BOX 304260
MONTGOMERY, ALABAMA 36130

JIM SULLIVAN, PRESIDENT
JAN COOK, ASSOCIATE COMMISSIONER
SUSAN D. PARKER PHD, ASSOCIATE COMMISSIONER

WALTER L. THOMAS, JR.
SECRETARY

October 15, 2008

VIA ELECTRONIC FILING

Mr. David Meyer
U.S. Department of Energy,
Office of Electricity Delivery and Energy
Reliability
1000 Independence Avenue, SW
Washington, DC 20585.

Re: Alabama Public Service Commission's Comments on DOE's Preparation of the 2009
Transmission Congestion Study and the Atlanta Regional Workshop

Dear Mr. Meyer:

The Alabama Public Service Commission ("APSC") appreciates this opportunity to provide these comments regarding the Department of Energy's ("DOE") preparation of its 2009 Transmission Congestion Study ("2009 Study") and regarding its Regional Congestion Workshop that was held in Atlanta, Georgia on July 29, 2008 ("Atlanta Workshop"). The APSC is more than willing to provide assistance as may be needed by DOE to prepare its 2009 Study, with Commissioner Jim Sullivan, the President of the APSC, having participated in the first panel of speakers at the Atlanta Workshop concerning policy issues. These comments memorialize and supplement the major themes discussed by Commissioner Sullivan at the Atlanta Workshop.

Consistent with Commissioner Sullivan's presentation at the Atlanta Workshop, these comments, following a brief background discussion, address the following major issues: DOE's 2006 Transmission Congestion Study results as they pertain to Alabama and the Southeast; trends in Alabama that have continued and/or developed since the 2006 Study; and the manner in which congestion is addressed in Alabama. In addition to these issues specifically raised by Commissioner Sullivan at the Atlanta Workshop, these comments also address several other matters raised at the workshops.

Background

In Alabama, the two predominant electric service providers are Alabama Power Company and the Tennessee Valley Authority ("TVA"). Alabama Power serves primarily the lower two-thirds of the state while TVA serves the upper one-third of the state. In addition, various cities and rural areas are served by municipal organizations and electric cooperatives. The APSC is charged with regulating all investor owned utilities ("IOU"), and for electric service, Alabama Power is the

only IOU in the state. Alabama Power, along with Georgia Power, Mississippi Power and Gulf Power (collectively, “Southern Companies”) are subsidiaries of The Southern Company and provide retail electric service to portions of Alabama, Georgia, Florida and Mississippi.

2006 Transmission Congestion Study: No Findings of Significant Congestion in Alabama Power’s Service Territory

In general, the APSC concurs with the 2006 Transmission Congestion Study in that it correctly concluded that Alabama Power Company does not have any major congestion problems. 2006 Transmission Congestion Study, at 24-25. In fact, the only congested flows that the study identified in Alabama involved TVA and its transmission into north Mississippi and north Georgia. Importantly, even those findings were identified during the historical review and modeling processes portions of the study and were not included in any of the study’s three classes of congestion areas. See *id.*, at 39-58.

Recent Trends Demonstrate a Continued Lack of Significant Congestion

The 2006 Study’s finding of no significant congestion in Alabama Power’s service territory did not come as any major surprise to the APSC. While there are no per se metrics for measuring congestion in Alabama, there are several major indicators that demonstrate that the integrated resource planning process used in Alabama is working and has helped provide an absence of congestion. Major indicators include: 1) transmission and distribution reliability ratings in excess of 99%, 2) low retail prices which consistently rank below the national average, and 3) exceptional fuel diversity (based on installed capacity plus committed capacity acquired under Power Purchase Agreements), as indicated below:

Coal	47.43%
Nuclear	12.40%
Natural Gas	16.11%
PPAs (natural gas fired)	12.65%
Hydro-generation	<u>11.41%</u>
Total	100.00%

In an effort to mitigate any significant transmission congestion, Alabama Power continually invests in its transmission infrastructure. Specifically, Alabama Power has invested \$365,800,000 for the period 2005 – 2007 (see below) and has budgeted an additional \$120,000,000 for transmission infrastructure investment in 2008.

2005	\$117,900,000
2006	\$126,700,000
2007	\$121,200,000
2008 Budget	<u>\$120,000,000</u>
Total	\$485,800,000

Furthermore, Alabama has experienced significant economic development opportunities over the last ten years and has become a preferred siting location for a great deal of new industry. Much of this success is, in large part, attributable to the strength of our electric infrastructure. For

example, over the last ten years, the following major companies have located in Alabama, and most of these cited low electric rates and high reliability as a consideration for locating in Alabama.

Company Name	Year Operations Began	Industry
Mercedes Benz	1995	Automotive
Tuscaloosa Steel (NUCOR)	1995	Primary Metals
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IPSCO Steel	2000	Primary Metals
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Fortier Yarns	2002	Textile
Hyundai	2004	Automotive
Berg Steel	2007	Primary Metals
Kronospan	2007	Wood Products
Louisiana Pacific – Thomasville	2007	Wood Products
ThyssenKrupp Steel	2009	Primary Metals

Lastly, and as discussed by Commissioner Sullivan at the Atlanta Workshop:

I’ve been a commissioner in Alabama for 25 years. And I think because our transmission system is in such good shape, we’ve been so far ahead of the curve, this [congestion issue] has never come up as one of the major issues that reaches, frankly, the commissioner level. And I think that’s a good indication that our region of the country is doing a good job of being proactive.

Atlanta Transcript, at 18.

Why Long-Term Congestion is Not a Major Issue in Alabama: Integrated Resource Planning

At the Atlanta workshop, several other speakers on the first panel all similarly emphasized that significant congestion is not an issue in their respective service territories/jurisdictions. In response to this theme, Mr. David Meyer of DOE asked,

I wonder if some of you have ideas about why is that so? I mean, why is your process working, or it has worked in the past and now you’re reaping the benefits, but is there some particular reason that comes to mind as to why that – as compared to other areas?

Atlanta Transcript, at 18.

As discussed by Commissioner Sullivan at the Atlanta Workshop, the major reason for this lack of long-term congestion is that Alabama remains a state in which both generation and transmission, along with distribution and demand side management, are all jointly studied through the integrated resource planning process to provide service to consumers on a least-cost basis. In this process, reliability and long-term economic dispatch are the primary drivers for transmission system improvements and expansion plans. This integrated process reduces congestion by ensuring that new and existing generation resources committed¹ to serving the citizens of this region on a long-term basis can be delivered without congestion. In contrast, so called “organized markets” generally no longer engage in such integrated planning but instead have largely separated transmission planning from generation development planning.

As further discussed by Commissioner Sullivan at the Atlanta Workshop, Alabama Power does not perform this integrated resource planning in isolation. Rather, Alabama Power does so in coordination with the other retail operating companies within Southern Companies’ system as well as with other affected utilities. The results of this integrated resource planning are incorporated into SERC studies so as to ensure reliability and simultaneous feasibility. In this manner, transmission providers are able to address long-term congestion that might otherwise arise due to changes on other transmission systems, and such coordinated planning facilitates the addressing of significant congestion throughout the region.

It also bears noting that outside of planning for long-term economic dispatch for native load customers, there is also a process in place to provide long-term firm transmission service to third parties. Should a third party desire to have a transmission improvement made to address a congestion problem that it has identified, all that such a customer has to do is to commit to taking long-term service under Southern Companies’ OATT. If such a commitment is made, then Southern Companies will move forward to make the transmission enhancements necessary for that third-party to receive long-term firm service without congestion. Pursuant to this transmission tariff process, third parties can determine for themselves whether it makes economic sense to commit to the costs of long-term firm service so as to pursue market opportunities or to forego the transaction.

Other Congestion Study Issues: DOE Should Remain Focused on its Statutory Mandate to Perform a Congestion Study and Should Ignore Calls to Expand its Study Process to Address Other Issues

In performing the 2009 Congestion Study, the APSC recommends that the DOE remain focused on performing a straight-forward analysis of “electric transmission congestion”² and refrain from expanding the study to address other matters. At virtually all of the workshops, one or more speakers have argued that DOE should expand its analysis to address issues other than just transmission congestion. For example, at the Atlanta workshop, one speaker argued that the DOE’s next congestion study might be “a good place” to question the ownership of transmission facilities by vertically integrated utilities, noting a preference for stand-alone transmission companies.

¹ The transmission system is planned to enable an economic dispatch of network resources and other long-term commitments without incurring congestion. Network resources include committed Alabama Power generators, generators of Southern Companies’ affiliates, and IPP generators that are committed to serving consumers through Purchase Power Agreements. In addition, as discussed further below, third parties can similarly receive long-term delivery service without congestion if they commit to long-term service under Southern Companies’ Open Access Transmission Tariff (“OATT”).

² See 16 U.S.C. § 824p(a)(1)(“[T]he Secretary of Energy ..., in consultation with affected States, shall conduct a study of electric transmission congestion.”).

Atlanta Transcript, at 28. DOE should refrain from addressing such extraneous topics. Not only would such inquiries prove unnecessarily divisive,³ but they would also be beyond Congress' mandate that DOE perform a study of electric transmission congestion. While other speakers have raised extraneous issues that are arguably more germane to the performance of an "electric transmission congestion" study, such as analyses of the costs and benefits of addressing identified congestion or obstacles to addressing congestion, DOE would be well-served to remain within its statutory mandate of performing a straight-forward congestion study of historical and current congestion, as DOE has appropriately proposed for purposes of the 2009 Study.⁴

Conclusion

The APSC believes that DOE's 2006 Transmission Congestion Study validates the benefits of an integrated planning process. The benefits are demonstrated by positive trends in areas such as: low prices, high reliability, fuel diversity and economic development. In moving forward with the preparation of the 2009 Transmission Congestion Study, the APSC has high expectations that such trends will continue and that long-term congestion will not be identified as an issue in Alabama.

Sincerely,

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Eugene G. Hanes
Advisory Staff
Federal Affairs Advisor
Alabama Public Service Commission

³ Substantively on this issue regarding form of transmission ownership, as discussed above, the APSC notes that the vertically-integrated paradigm of transmission ownership has worked well in Alabama. Furthermore, it is largely due to the integrated planning of both transmission and generation that has led to the lack of significant transmission congestion in Alabama, and the adoption of a stand-alone transmission company would appear counter to such integrated planning and, instead, would appear to focus upon transmission-only solutions to identified problems.

⁴ Congress directed DOE to address several criteria when it considers designating a national interest electric transmission corridor ("NIETC"). 16 U.S.C. § 824p(a)(4). Addressing such additional matters in the more focused context of considering designating a specific NIETC makes much more sense than globally expanding the scope of the Eastern Interconnection- and Western Interconnection-wide congestion studies that are performed as a precursor to any NIETC designation.