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Presented by David Ellis, Director of Utilities Division, Public Service Commission of West Virginia, at the West Virginia Energy Infrastructure Workshop on December 11, 2003 at Stonewall Resort, Roanoke, WV. This meeting was a part of the Energy Roadmap Workshop Series commissioned by West Virginia Governor Bob Wise.

West Virginia Energy Roadmap Workshop Series

Workshop on Energy Infrastructure

December 11, 2003

Regulatory Issues Related to Energy Infrastructure Development

Presented by David Ellis, Director of Utilities Division

Public Service Commission of West Virginia

Energy Policy Act of 2003

SEC. 350. Energy Facility Rights of Way and Corridors on Federal Land.

- **Joint Federal Agency Report to Congress in 1 year:**
 - Location of existing rights-of-way and corridors for oil and gas pipelines and electric lines on Federal land.
 - Opportunities for additional transmission capacity within those rights-of-way and corridors.
- **Joint Federal Agency Action Within 4 years:**
 - Identify corridors for oil and gas pipelines and electric lines on Federal land in States other than [Western States].
 - Schedule prompt action to identify, designate and incorporate the corridors into land use plan(s).
- **Ongoing responsibilities:**
 - Expedite applications for siting on federal lands.

Energy Policy Act of 2003

SEC. 1211. Electric Reliability Standards

- **FERC shall certify an Electric Reliability Organization (ERO).**
 - **The ERO will have authority to propose and enforce reliability standards.**
 - **ERO has authority to develop and enforce compliance with reliability standards for only the bulk-power system.**
 - **No authority for the ERO to order the construction of additional generation or transmission capacity.**
 - **States may enact rules to ensure the safety, adequacy, and reliability of electric service as long state rules are not inconsistent with any ERO reliability standards.**
- **Regional Advisory Bodies.**
 - **FERC shall, upon request from 2/3 of the States in a Region, establish a regional advisory body composed of 1 member from each participating State in the region, appointed by the Governor of each State.**

Energy Policy Act of 2003

SEC. 1221. Siting of Interstate Electric Transmission Lines

- The DOE may designate any geographic area experiencing transmission constraints or congestion as a national interest electric transmission corridor.
- The FERC may issue construction permits in a national interest electric transmission corridor if:
 - There is no State authority to grant a construction permit; or
 - A State has withheld approval for more than one year, or has conditioned approval such that the proposed construction will not relieve congestion or will be economically infeasible.
- Interstate Compact
 - States may enter into an interstate compact establishing regional transmission siting agencies.
 - The FERC has no authority to issue a construction permit within a State that is a party to a compact unless the members of a compact are in disagreement regarding a proposed project.