

CLEARING THE PATH FOR POWER

Lessons from the Natural Gas Act for Federal Transmission Siting

BUILDING NEW TRANSMISSION REQUIRES TWO CRITICAL STEPS:

1

SITING

determines the exact route a line will take.

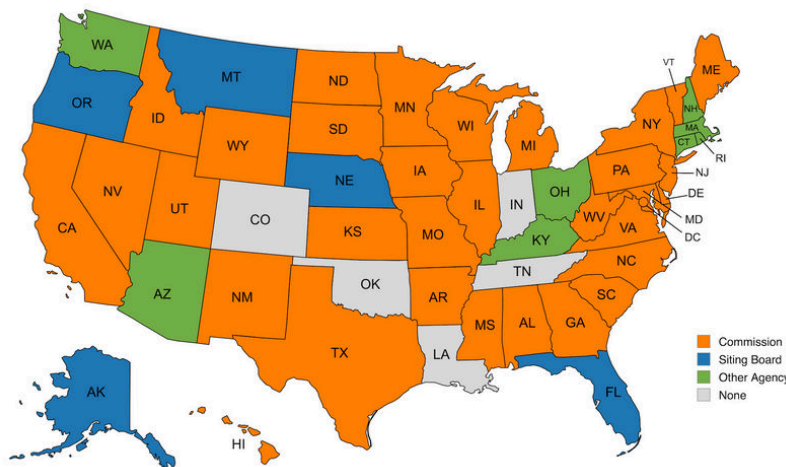
Because authority over siting and permitting is divided among federal, state, and local jurisdictions – each with their own frameworks – transmission projects can take a decade or more to complete. Federal reviews and authorizations may be needed if a line crosses federally managed lands or waters.

Additionally, states decide siting and permitting over state and private lands, and each state and local jurisdiction may need to issue its own authorization – consecutively – which can add to the complexity and time and cost of the line.

2

PERMITTING

involves obtaining the needed environmental reviews to construct it.



FEDERAL JURISDICTION OVER TRANSMISSION: WHERE IT STANDS

FERC has authority to issue permits for transmission lines in DOE-designated National Interest Electric Transmission Corridors (NIETCs) if a state withholds approval for over a year or denies a project. However, legal constraints have limited the use of corridors, and no NIETCs currently exist—leaving this backstop authority largely ineffective.

CASE STUDIES

TRANSWEST EXPRESS

Permitting from 2005 - 2023

732 MILES

of HVDC lines across Nevada, Utah, and Wyoming

18 YEARS

of permitting

4 STATES

2 FEDERAL AGENCIES

14 LOCAL GOVERNMENTS

CARDINAL-HICKORY CREEK

Permitting from 2011-2024

102 MILES

of 345kV transmission from Iowa through Wisconsin

13 YEARS

of permitting

2 STATES

3 FEDERAL AGENCIES

EXTENSIVE LITIGATION

BOARDMAN TO HEMINGWAY

Permitting from 2006 - ???

290 MILES

of 500kV transmission from Oregon through Idaho

19 YEARS

and counting of permitting

2 STATES

2 FEDERAL AGENCIES

14+ FIELD OFFICES



Read ACEG's Full Report:

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FEDERAL AND CONGRESSIONAL ACTIONS THAT COULD ACCELERATE TRANSMISSION DEVELOPMENT:



Provide FERC Backstop Siting Authority by eliminating the corridor requirement.



Strengthen DOE's Siting Program by providing sustained funding and staffing for DOE's CITAP Program.



Advance permitting reform by clarifying timelines, reducing duplicative reviews, and enhance interagency coordination.



Direct federal agencies to issue all post-Record of Decision (ROD) authorizations within 90 days.



Clarify that the six-year statute of limitations runs from the Record of Decision.

A COMPARISON: NATURAL GAS PIPELINES AND TRANSMISSION LINES

Interstate natural gas pipelines are solely sited by a single federal agency, FERC. A similar siting and permitting treatment for electric transmission lines could eliminate the current fractured approach inhibiting further development of the electric grid while still retaining a significant role for states and communities.

INTERSTATE NATURAL GAS PIPELINES <i>(How It Works Now under the NGA)</i>	INTERSTATE TRANSMISSION <i>(How it Works Now under the FPA, or What's the Problem?)</i>	INTERSTATE TRANSMISSION <i>(How It Could Work if the FPA = NGA)</i>
SINGLE FEDERAL AUTHORITY: FERC coordinates all permits needed to site a project that is in the public interest and applies a single, consistent analysis across a project.	DISJOINTED REVIEW: Transmission projects can navigate multiple federal and state approvals, and states typically consider only their own state's benefits.	A single federal authority (FERC) would streamline multi-agency approvals, align timelines, and better serve regional and national needs.
PRE-FILING: Before applying, a developer engages in a pre-filing process with FERC and stakeholders (federal, state, and local) to identify and resolve concerns early.	LIMITED EARLY ENGAGEMENT: Transmission projects can face stakeholder opposition late in the process, after sequential siting process, leading to long delays.	Early engagement with communities in a pre-filing phase would improve the application, enhance community relationships, and reduce conflicts and delays.
EMINENT DOMAIN: FERC has eminent domain authority, but it's rarely exercised. A recent stat showed <2% land is acquired by eminent domain.	INCONSISTENT RULES: Eminent Domain authority for transmission projects varies by state.	Consistent rules and early engagement minimize the exercise of eminent domain to serve regional or national energy needs.
UNIFORM APPELLATE PROCESS: Challenges to FERC certificates and federal authorizations go to U.S. Courts of Appeal.	FRAGMENTED APPEALS: Transmission appeals vary by state, creating inconsistent timelines and outcomes.	A uniform federal appellate path would provide predictability and reduce expensive litigation delays.