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April 7, 2009

The Honorable Jon Wellinghoff
Chairman
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Dear Chairman Wellinghoff:

I am writing in regard to the proposal from the New York Regional Interconnection (NYRI) to build a 190-mile transmission line in New York State.

Rep. Michael Arcuri has brought NYRI's proposal to my attention. He is concerned about the impact this proposal would have since it would harm the environment and negatively impact the local economy and appears to meet no compelling national or regional need. He has made a convincing case against the proposal.

According to press reports, NYRI recently decided to withdraw their proposal from consideration by the New York State Public Service Commission (PSC).¹ There remains a concern, however, that NYRI may request that the Federal Energy Regulatory Commission (FERC) approve its proposal using its authorities under section 1221 of the Energy Policy Act of 2005.

Section 1221 of the Energy Policy Act of 2005 established a limited "backstop authority" at FERC for siting electricity transmission lines in cases where a state refused to act. In this case, NYRI has opted to withdraw its application prior to a state decision. Accordingly, it would raise serious concerns if FERC were to entertain consideration of the NYRI proposal at this late

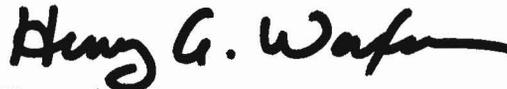
¹ *NYRI Pulls The Plug On Powerline Project*, The Evening Sun (Apr. 6, 2009) (online at <http://www.evesun.com/news/stories/2009-04-06/6667/NYRI-pulls-the-plug-on-powerline-project/>).

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juncture. Section 1221 was a controversial provision and it would be counterproductive for FERC to assert greater authority in this area than Congress intended to convey.

I would appreciate knowing your views on this matter.

Sincerely,

A handwritten signature in black ink that reads "Henry A. Waxman". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Henry A. Waxman
Chairman