

**Coordination of Federal Authorizations for Electric Transmission Facilities**  
**Department of Energy, DOE–HQ–2023–0050**  
**October 2, 2023**

**COMMENTS OF THE AMERICAN COUNCIL ON RENEWABLE ENERGY**

The American Council on Renewable Energy (ACORE) appreciates the opportunity to provide these comments to the Department of Energy (DOE) on the proposed rulemaking on the Coordination of Federal Authorizations for Electric Transmission Facilities.<sup>1</sup> ACORE commends DOE for proposing these revisions to the regulations implementing section 216(h) of the Federal Power Act (FPA), which can greatly improve the time frame and efficiency of the permitting of certain high-voltage transmission facilities, which are critically needed for the achievement of decarbonization, improved reliability, cost savings, and multiple other benefits.

While we support the proposed rule and the creation of the Coordinated Interagency Transmission Authorizations and Permits (CITAP) Program, ACORE offers the following comments to improve its implementation.

**Integrated Interagency Preapplication (IIP) Process**

The centerpiece of the CITAP Program proposal is the requirement for project proponents to participate in the Integrated Interagency Preapplication (IIP) Process. DOE explains that it “has determined that it will not be able to establish binding milestones and deadlines for projects that do not complete the IIP Process,” and that it will not “be able to prepare a single EIS [Environmental Impact Statement] for such a project.”<sup>2</sup> ACORE supports implementing a mandatory IIP process, as proposed, provided that the required coordination properly informs the National Environmental Policy Act (NEPA) process and reduces duplicative efforts by applicants and federal entities. The IIP Process should reduce redundant work, streamline and shorten the overall application and review process, and conserve human and financial resources for private and public participants by actively encouraging the permitting authorities to rely on the NEPA environmental review performed as part of the IIP Process.

Given its centrality, the IIP Process itself should not be so burdensome as to diminish the other benefits of CITAP. In addition to the deadlines for the environmental reviews proposed by DOE, ACORE supports a commitment by DOE for any transmission project be fully authorized

---

<sup>1</sup> 88 FR 55826, August 16, 2023 (“Proposed Rule”).

<sup>2</sup> Proposed Rule at 55828.

in under three years and not longer than five years (from initiation of the preapplication process through issuance of all required federal authorizations, including any required notice to proceed) as recommended in the comments of Americans for a Clean Energy Grid.

ACORE recognizes that, as DOE states, the information required in the IIP process would also be otherwise required for the applications and associated environmental reviews. But it is also important that the timeline for the submission of information in the IIP process, be aligned with when developers have the needed information. DOE should provide some degree of flexibility in those instances when the full scope of the information required in the IIP reports is not yet available.

ACORE agrees with the required submission of public participation and engagement plans early in the process, an action that has been demonstrated to reduce delays in permitting, including plans to accommodate the linguistic and accessibility needs during such public outreach.

### **Exceptions to Qualifying Project Definition**

DOE proposes to limit the scope of the CITAP Program to “qualifying projects,” defined as high voltage interstate transmission lines (230kV or above) that are expected to require preparation of an EIS and does not include projects that: are proposed for authorization under section 8(p) of the Outer Continental Shelf Lands Act; require a FERC permit under FPA section 216(b); or are within the Electric Reliability Council of Texas.

DOE does propose a process for certain projects not included in this definition to participate in the CITAP Program. First, projects that require a construction or modification permit from FERC under FPA section 216(b) may participate in the CITAP program under the submission of a request from the FERC Chair. This is an important avenue for certain projects to obtain the CITAP benefits. ACORE recommends that DOE provide more specific guidance for such submissions and allow project developers to submit a petition requesting such a request from the FERC Chair.

Second, DOE proposes to remove the qualifier “non-marine” from the definition of qualifying facility, which ACORE supports, and a mechanism for projects proposed to be authorized under section 8(p) of the Outer Continental Shelf Lands Act to participate if the project is not proposed to be authorized in connection with a generation project and if all 2023 MOU signatories agree to the project’s inclusion.

Additional clarification is needed on the process for offshore transmission to participate in CITAP. Transmission will be needed to integrate the offshore wind resources that are expected to come online to meet federal and state clean energy goals, and there is a need for a clear, efficient, and well-coordinated process to build offshore transmission that interconnects with regional and inter-regional transmission facilities. Since offshore wind and offshore transmission are still in their developing stages in the United States, flexibility is needed on how these projects are incorporated into the proposed CITAP.

States are becoming increasingly involved in soliciting transmission solutions to integrate offshore wind. Due to this state involvement, there needs to be a process for accommodating state awarded transmission projects into the offshore permitting and siting process, as well as state required changes to transmission proposed in conjunction with a generation facility. Transmission lines may be authorized in connection to a specific offshore wind project, but also incorporate the flexibility to expand and be integrated into a regionally and inter-regionally networked offshore transmission solution.<sup>3</sup> Given these unknowns, DOE should consider, as it has with FERC, including a process that allows the Bureau of Ocean Energy Management (BOEM) or a state to request that an offshore project participate in the CITAP process.

Moreover, the MOU allows for the inclusion of such offshore transmission “at the discretion of all *relevant* Signatory Agencies” (emphasis added). ACORE therefore requests that DOE modify its proposal from requiring all signatories to agree to only those that are relevant, defined as those participating in the environmental review or authorization.

### **Integration with other DOE Programs and CEQ’s Proposed NEPA Revisions**

This proposal is being issued at the same time as several other important DOE regulatory proposals and funding opportunities, as well as the Council on Environmental Quality’s proposed revisions to NEPA.<sup>4</sup>

On May 15, DOE issued a Notice of Intent and Request for Information on the Designation of National Interest Electric Transmission Corridors (NIETCs),<sup>5</sup> proposing a process

---

<sup>3</sup> See Pfeifenberger et al, “The Benefit and Urgency of Planned Offshore Transmission: Reducing the Costs of and Barriers to Achieving U.S. Clean Energy Goal.”

<sup>4</sup> 88 FR 49924, July 31, 2023

<sup>5</sup> 88 FR 30956, May 15, 2023.

where entities could propose for NIETC designation a potential route where one or more potential transmission projects could be located within a geographic area where the DOE has identified transmission need(s). To the extent that a proposed NIETC includes projects that also may then participate in CITAP, DOE should provide a mechanism for information submitted in the NIETC application be incorporated into the IIP Process, along with any other identified efficiencies.

In addition, DOE issued a Funding Opportunity Announcement on August 29 for grants to facilitate the siting and permitting of eligible transmission lines and for economic development projects. Potential areas for funding include “studies and analysis of the impacts of the covered project,” and “engagement and communication with stakeholders including impacted communities regarding a covered transmission project.”<sup>6</sup> While eligible applicants are state, local or Tribal government entities with the authority to make a final determination regarding the siting, permitting or regulatory status of the transmission project, these siting and permitting activities could overlap with the CITAP IIP Process. It would therefore be helpful for DOE to facilitate coordination among recipients of the siting and permitting grants and project proponents participating in CITAP.

With CEQ proposing revisions to the NEPA rules, it is critical that DOE ensure that the CITAP rulemaking is consistent and in line with CEQ’s NEPA rulemaking, and that any potential subsequent DOE rulemaking that would implement the revised NEPA requirements. This consistency would ensure that project sponsors receive adequate notice, and that agencies are operating under a cohesive and unified regulatory framework for NEPA reviews.

There may be projects that do not participate in the CITAP program, but that will still have DOE as the lead agency. As DOE has explained in the proposed rule, without participation in CITAP, these projects will not enjoy access to the benefits of binding project milestones and a single EIS. DOE should clarify the extent to which provisions of CEQ’s NEPA revisions, which include time limitations for environmental studies and other NEPA reforms, apply to those projects that do not participate in CITAP but still have DOE as the lead agency.

In conclusion, ACORE largely supports the proposed CITAP program and encourages additional steps described herein to improve its implementation.

---

<sup>6</sup> Funding Opportunity Announcement (FOA) Number: DE-FOA-0003101, Issued August 29, 2023, at 3.

Respectfully submitted,

Elise Caplan  
Vice President, Regulatory Affairs  
American Council on Renewable Energy  
[caplan@acore.org](mailto:caplan@acore.org)