

	Sen. Bingaman: Senate Energy Staff Draft	Reps. Waxman-Markey: (HR 2454) "American Clean Energy and Security Act of 2009"
Scope	<ul style="list-style-type: none"> Direct FERC to coordinate the planning of high-priority national transmission projects (≥ 345kV AC & ≥ 300kV DC or the superconducting cable equivalent, or renewable feeder line) Support development of renewable energy generation, including location-constrained resources 	<ul style="list-style-type: none"> Directs FERC to coordinate the regional planning process to facilitate the deployment of renewable and other zero-carbon energy. No specific project or line size parameters
Planners	<ul style="list-style-type: none"> States, ROSs, utilities, etc. 	<ul style="list-style-type: none"> Regional Planning Entities (states, RTOs, utilities, etc.)
Planning Timeline	<ul style="list-style-type: none"> 180 days for FERC to issue planning principles Plan to be submitted as soon as possible but not later than 2 years from enactment 	<ul style="list-style-type: none"> 1 year for FERC to issue planning principles Plans must be submitted within 18 months of the issuance of the planning principles
Planning Principles	<ul style="list-style-type: none"> Detailed guidance in legislation as to the nature and content of the planning principles including. 	<ul style="list-style-type: none"> No detailed guidance. General policy that the planning principles are to support.
Plan Approval	<ul style="list-style-type: none"> FERC 	<ul style="list-style-type: none"> FERC
Plan Requirements	<ul style="list-style-type: none"> Planning principles address how utilities should fully incorporate high-priority national transmission projects and how utilities should coordinate with each other to analyze needed interconnection additions or modifications to grid 	<ul style="list-style-type: none"> Plans should be developed from sub-regional plans where possible Plans should comport with planning principles
REZ and/or Green Transmission Requirements	<ul style="list-style-type: none"> Plans shall consider the location of generation and potential generation development Secretary of Energy will conduct nationwide location-constrained resources assessments. IS NOT a REZ requirement but suggests that potential renewable energy resources must be considered in planning 	<ul style="list-style-type: none"> None
Siting/ Preemption Authority	<ul style="list-style-type: none"> Must attempt to site through state processes No NIETC designation requirement but must be part of "high-priority national transmission project" FERC can preempt the state's siting authority if the state: <ul style="list-style-type: none"> "fails to approve" the project w/in 1 year, rejects application, or imposes unreasonable conditions on the permit 	<ul style="list-style-type: none"> For Western Interconnection only FERC preemption vastly expanded: Must attempt to site through state processes No NIETC designation requirement but must be a multistate line identified in a regional plan Facility must be needed in "significant measure" to meet renewable energy demand under plan FERC can preempt the state's siting authority is the state: <ul style="list-style-type: none"> Did not issue a decision within 1 year, Denied the application Authorized the project subject to conditions that "unreasonably" interfere with the project.
State Recommend.	<ul style="list-style-type: none"> FERC shall give due weight to the environmental record and results of the state siting process 	<ul style="list-style-type: none"> FERC shall consider & incorporate state-imposed constraints and mitigation measures
Federal Funding	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None
Cost Allocation	<ul style="list-style-type: none"> FERC will establish cost allocation methodology Costs may be allocated across all or part of a region but must be just and reasonable and must not be disproportionate to the anticipated benefits in any given area FERC shall give deference to cost allocation proposals supported by broad agreement of states 	<ul style="list-style-type: none"> No provision
Federal Agency Coordination	<ul style="list-style-type: none"> Dept. of Interior is lead agency for coordinating environmental review by federal agencies States that are willing may coordinate with FERC and federal agencies Sec. of Interior will prepare the NEPA environmental review document For federal authorizations, fed agencies shall use existing 368 corridors or must create new corridor according to §368(c) 	<ul style="list-style-type: none"> Same as states in Federal Policy Act except Department of Energy is replaced by FERC. FERC and Department of Interior will negotiate the extent to which the Dept. of Interior will act as the lead agency when portions of the project cross federal land. FERC responsible for environmental analyses