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SUPPLEMENTARY INFORMATION:

Transmission Congestion Study

The Energy Policy Act of 2005 (Pub. L. 109–58) (EPAct) added several new provisions to the Federal Power Act (16 U.S.C. 791a et seq.) (FPA), including FPA section 216, 16 U.S.C. 824p. FPA section 216(a)(1) requires the Secretary of Energy to conduct a study of electric transmission congestion within one year from the date of enactment of EPAct and every three years thereafter. The 2006, 2009, and 2015 Congestion Studies reviewed congestion nationwide except for the portion of Texas covered by the Electricity Reliability Council of Texas, to which FPA section 216 does not apply. FPA section 216(a) requires that the congestion study be conducted in consultation with affected states. Also, in exercising its responsibilities under section 216, DOE is required to consult regularly with the Federal Energy Regulatory Commission (FERC), any appropriate regional entity referred to in FPA section 215, i.e., the regional electric reliability organizations, and Transmission Organizations approved by FERC.

Transmission congestion occurs when a constraint within an area’s transmission network prevents the network from accommodating all transactions desired at a given time by authorized users. The most common form of transmission congestion is economic congestion. This occurs when the transmission system’s capacity is sufficient to enable compliance with NERC reliability standards, but is not able to allow purchasers of wholesale power to obtain supplies from the least-cost sellers at all times. The premium involved may or may not be sufficiently large or persistent to justify investment in additional transmission capacity.

The regional reliability organizations are currently the Florida Reliability Coordinating Council, the Midwest Reliability Organization, the Northeast Power Coordinating Council, ReliabilityFirst Corporation, SERC Reliability Corporation, the Texas Reliability Entity (TRE), and the Western Electricity Coordinating Council. See https://www.nerc.com/Pa/Comp/Pages/Regional-Programs.aspx.
In more severe situations, congestion may have both economic and reliability components—that is, if an area’s electricity demand essentially outgrows its transmission network, in addition to forcing wholesale buyers to turn to higher-priced sellers, the system may no longer be able to meet NERC reliability standards under one or more contingencies.

A third form of congestion occurs when the transmission network is not sufficient to enable achievement of established federal, state, or local public policy goals. For example, state-imposed renewable portfolio standards may lead to demands for transmission service that exceed the capacity currently available. At the federal level, requirements designed to ensure system resilience and security under extreme stress (e.g., natural disasters or cyber/physical attacks) could create a demand for additional transmission capacity in specific locations.

The Department is initiating its next triennial congestion study, and seeks comments on what publicly-available data and information should be considered, and what types of analysis should be performed to identify and understand the significance and character of transmission congestion.


In preparing the 2009 and 2015 Congestion Studies, the Department gathered historical congestion data obtained from existing studies prepared by regional reliability councils, regional transmission organizations (RTOs) and independent system operators (ISOs), and regional planning groups. The forthcoming study will draw upon many of the same kinds of data, analyses, and information as the earlier studies. These sources may include, but would not be limited to:

a. Electricity market analyses, including locational marginal price patterns;

b. Reliability analyses and actions, including transmission loading relief actions;

c. Historic energy flows;

d. Current and projected electric supply and generation plans;

e. Recent, current, and planned transmission and interconnection queues;

f. Results of any “stress test” analysis of a transmission system based on threat and resilience modeling and any contingency modeling incorporating or accounting for interdependencies throughout energy systems;

g. Current and forecast electricity loads, including energy efficiency, distributed generation, and demand response plans and policies;

h. The location of renewable resources and state and regional policies with respect to renewable development;

i. Projected impacts of current or pending environmental regulation on generation availability;

j. Effects of recent or projected economic conditions on demand and congestion;

k. Filings or regional transmission expansion plans developed in compliance with FERC Orders No. 890 and 1000.

**National Interest Electric Transmission Corridor Designation**

FPA section 216(a)(2) authorizes the Secretary of Energy to designate “any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers as a national interest electric transmission corridor” (National Corridor) after completion of a congestion study, and consideration of alternatives and recommendations of interested parties and other public comments. Prior to making a separate federal decision about any proposed designation of a National Corridor, DOE will consider environmental impacts of such a designation, as required by the National Environmental Policy Act (42 U.S.C. 4321 et seq.). Designation of an area as a National Corridor would enable the Federal Energy Regulatory Commission to exercise jurisdiction over the siting of transmission facilities in the National Corridor, if it found that certain preconditions (listed in EPA section 216(b)) have been met.

Some commenters on DOE’s previous congestion studies suggested that in some circumstances it might be informative for DOE to publish a transmission congestion study focused on specific transmission project(s), and if appropriate, designate a National Corridor tailored to the project(s). DOE agrees, but notes that the need for such studies and corridors might not mesh well (in terms of both timing and appropriate granularity) with the triennial largescale congestion studies envisioned in FPA section 216(a)(1). For this reason, DOE will continue to produce the triennial studies required by the statute, and would also respond, perhaps separately, to requests for the preparation of project-specific congestion studies or the designation of related National Corridors.

A party seeking the designation of a project-specific National Corridor should submit the following to DOE:

a. Data or studies confirming the existence in a specific geographic area of transmission constraints or congestion adversely affecting consumers;

b. Data or studies confirming that proposed transmission project(s) would ease the congestion and its adverse impacts on consumers;

c. Information showing how a National Corridor should be bounded in order to be relevant to the proposed transmission project(s); and

d. Information showing why it would be in the national interest for the Department to intervene in a subject area that is normally subject to state jurisdiction.

Signed in Washington, DC, on August 16, 2018.

Bruce J. Walker,
Assistant Secretary, Office of Electricity, U.S. Department of Energy.

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL–9982–15–OP]

**Notice of Charter Renewal**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of charter renewal.

Notice is hereby given that the Environmental Protection Agency (EPA) has determined that, in accordance with the provisions of the Federal Advisory Committee Act (FACA), the National Environmental Justice Advisory Council (NEJAC) is necessary and in the public interest in connection with the performance of duties imposed on the agency by law. Accordingly, NEJAC will be renewed for an additional two-year period. The purpose of the NEJAC is to provide advice and recommendations to the Administrator about issues associated with integrating environmental justice concerns into EPA’s outreach activities, public policies, science, regulatory enforcement, and compliance decisions.