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Land of the free-flow

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THE GREAT blackout of 2003 last month has pushed lawmakers and the Bush administration to fast-track needed legislation to ensure that electricity consistently flows to U.S. consumers. And a good thing, too. Because while widespread outages caused by disasters such as Hurricane Isabel may not be preventable, every effort must be made to ensure that the infrastructure can handle the nation's ever-increasing daily grind.

In the two versions of the mammoth energy bill now before Congress, much that relates to improving the electrical grid is worthy, but one of the details is not.

On the good side: Giving the Federal Energy Regulatory Commission real power to enforce reliability standards across the grid is necessary. Clearing the confusion as to who has the last say over placing power lines along federal lands - it would be the Department of Energy - is welcome.

But the section in the House version of the bill that would take eminent domain power from states and give it to the regulator to approve lines on private land, after just a year of debate, is a mistake.

North American transmission lines need upgrades, and transmitters need more connections among state and regional grids. But companies haven't invested in transmission, for three main reasons: It's the least profitable compared with generation or distribution; the standards aren't fixed across states; and siting a new transmission line means applying to the states and facing a potentially dicey public inquiry.

While the feds could offer incentives for building and should set standards, it is less clear how moving siting decisions to that level would build a stronger system faster. The public outcry over siting decisions would be just as noisy, and when people lose, they sue. Be it a lawsuit against state or federal agencies, the project is still stalled.

And states also don't often turn down transmission companies' siting requests, though it often takes more than a year to get the approval. A study for the Western Governors Association found that no Western state had turned down any siting request, though they had passed some with conditions attached.

A faster fix would be to persuade transmitters to upgrade capacity and reliability along existing corridors while their few bottleneck-breaking

new-line requests work through the system. For both, regional agencies can do the trick.

For example, PJM Interconnection, the independent group that runs the power market for Maryland and six other states, has built a transmission expansion plan for the region. It has invested \$775 million over the past three years to expand and reinforce the grids, mainly through member utilities getting the permits and doing the work.

FERC would do well to focus on monitoring the grids and maintaining and developing a free-flowing market for power. Better that the feds define the need, and let the locals find the solution.

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