

President Joseph R. Biden, Jr.  
1600 Pennsylvania Ave NW  
Washington, DC 20500

December 16, 2022

Dear President Biden,

On behalf of the undersigned organizations, we urge you and your federal departments and agencies to use existing authorities to help accelerate the deployment of clean renewable electricity, requisite expansion of electricity transmission capacity, and other improvements to electrical grids, all while boosting engagement of and benefits for frontline and environmental justice communities. As outlined below, there are numerous, non-damaging administrative actions and approaches to encouraging these projects necessary to meet the U.S. commitment to 50-52 percent reductions in climate pollution over 2005 levels by the end of this decade. All of these recommendations could be pursued by the federal government right now and would not undermine existing environmental protections and requirements for public engagement and input, both of which are critical to safeguarding environmental justice communities sacrificed for fossil fuel projects and ensuring a just clean energy future. Some of these recommendations were included in your May 11, 2022 Biden-Harris Permitting Action Plan<sup>1</sup>, and we encourage your administration to report on progress to date and double down on the Action Plan's implementation.

As you well know, the historic Inflation Reduction Act (IRA) invests roughly a billion dollars to bolster federal agencies' capacity to conduct thorough and efficient environmental reviews and meaningful public engagement around projects.<sup>2</sup> These additional resources should help boost the speed of review in the permitting process and the depth of engagement with the public and local communities potentially affected by projects. Early and meaningful engagement leads to better projects getting completed faster.<sup>3</sup> Deeper engagement with frontline communities on projects that affect them is much-needed and will help advance more equitable project outcomes. It is important that the additional resources are complemented by greater oversight, coordination, and management of project review processes across the federal government. We are hopeful that the recent Memorandum of Understanding signed by the Departments of the Interior, Agriculture, Defense, and Energy and the Environmental Protection Agency will help speed the advancement of sound siting decisions in consultation with and consent by tribes for clean renewable electricity projects, and associated transmission, on public lands so as to not undermine Indigenous rights and sovereignty. Transparent, cross-government oversight and tracking of projects could further aid pushing projects to completion and ensure that projects under review align with the administration's climate, Justice40, and environmental justice goals.

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<sup>1</sup> <https://www.whitehouse.gov/wp-content/uploads/2022/05/Biden-Harris-Permitting-Action-Plan.pdf>

<sup>2</sup> IRA, §§ 23001, 4003, 50301-03, 60402, 60116, 60505

<sup>3</sup> Lawrence Susskind, Jungwoo Chun, Alexander Gant, Chelsea Hodgkins, Jessica Cohen, Sarah Lohmar, Sources of opposition to renewable energy projects in the United States, Energy Policy, Volume 165, 2022, <https://doi.org/10.1016/j.enpol.2022.112922>.

Taking advantage of newly enhanced federal backstop authority, funding, and programmatic support could also assist in siting cross-state transmission and advancing grid modernization projects. The Infrastructure Investment and Jobs Act (IIJA) strengthened federal interstate transmission siting authority by expanding the scope of the DOE's National Interest Electricity Transmission Corridor (NIETC) designations to include routes that would transmit electricity from intermittent (clean energy) resources to consumers. It also expands federal backstop authority to site interstate transmission in NIETCs. In particular, the Federal Energy Regulatory Commission (FERC) can site interstate transmission facilities in NIETCs if a state either fails to act within a year after the NIETC designation and the date the application was filed *or denies a siting application*. FERC has just proposed a rule to implement this federal backstop authority, including provisions guiding a project developer's engagement with potentially affected communities. The National Transmission Planning and Needs Studies being undertaken by DOE should fulfill this congressional direction and assist in identifying pathways forward to more resilient and clean energy integrated grids. Some of the most efficient projects may be to optimize and expand capacity of existing transmission lines resulting in minimal environmental disturbance and harm to communities. Furthering clean, renewable energy capacity and integration into regional grids and across the country will help reduce emissions and air pollutants from the power sector and provide some relief to those communities at the frontlines of fossil fueled pollution. As last month's Transmission Buildout announcement highlighted<sup>4</sup>, the IIJA's and IRA's over \$16 billion in combined funding for transmission projects, as well as new programs at DOE, will further spur the development of the clean, strong grids of the future.

FERC's proposed changes to address transmission planning and interconnection barriers are necessary to unlock access to clean energy resources to achieve a strong, renewable energy grid and subsequently deliver much needed reliable, low-cost, clean electricity for communities overburdened by fossil fuel pollution. Experts estimate that the transmission grid must be expanded roughly two-fold to accommodate enough new clean energy resources to meet your administration's climate goals.<sup>5</sup> While the rule could be strengthened, even if finalized as proposed, FERC's new rules would help eliminate bottlenecks caused by current transmission planning processes and long queues in the existing inefficient, slow generator interconnection processes currently run by grid operators. In addition, FERC is expected to initiate a fourth rulemaking soon to require interregional transmission planning.

It is essential for completion of these rules that FERC maintain the reasonably pro-clean, renewable energy and -environmental justice majority that has characterized its trajectory under the leadership of Chairman Richard Glick, and we appreciate your renominating him. When his term expires at the end of the year, FERC will have four commissioners who are split evenly along party lines, which would threaten your climate agenda, given its reliance on the development of a clean electric grid. We urge you to immediately nominate a suitable replacement in 2023 in order to move forward these rules that would enable expansion and strengthening of our electricity grid for clean energy and beneficial electrification. A procedural statute that renders electric utility applications effective if they do not receive a majority

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<sup>4</sup><https://www.whitehouse.gov/briefing-room/statements-releases/2022/11/18/fact-sheet-the-biden-harris-administration-advances-transmission-buildout-to-deliver-affordable-clean-electricity/>

<sup>5</sup> Denholm, Paul, Patrick Brown, Wesley Cole, et al. 2022. Examining Supply-Side Options to Achieve 100% Clean Electricity by 2035. Golden, CO: National Renewable Energy Laboratory. NREL/TP6A40-81644. <https://www.nrel.gov/docs/fy22osti/81644.pdf>

decision within the required statutory deadline makes a split FERC powerless to reject Federal Power Act-related proposals that are counter to your climate agenda and environmental justice commitments. We encourage you to use your authority to ensure FERC is able to continue to operate and promptly finalize the rules proposed or in process.

In closing, we urge you to use all new and enhanced authorities to drive clean electricity deployment and associated grid expansion and improvements while continuing to uphold and enhance the essential environmental review and public engagement processes that are required and critical for environmental justice and frontline communities. Some claim you cannot do both, but it is a false choice; we can and must have resilient grids filled with clean, renewable electricity that deliver environmental and social benefits as directed by communities to all communities.

Sincerely,

League of Conservation Voters

WE ACT for Environmental Justice

Earthjustice

National Wildlife Federation

Chesapeake Climate Action Network

Clean Energy for America

Climate Crisis Policy

Climate, Energy, and Environment Team of the Consolidated Oregon Indivisible Network (COIN)

ClimateVoice, a project of Tides Center

Ecumenical Ministries of Oregon, with Oregon Interfaith Power and Light

Environmental Working Group

Evergreen Action

GreenLatinos

GRID Alternatives

Hispanic Federation

Natural Resources Defense Council

Ocean Defense Initiative

Rewiring America

Sierra Club

Taproot Earth

The Wilderness Society

Union of Concerned Scientists

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Brenda Mallory

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