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WIRES: “Only Solution Is Legislative” After Supreme Court Refuses to Review Lower Court Ruling on Transmission Siting

WASHINGTON, DC – WIRES Counsel James Hoecker today issued the following statement in response to the U.S. Supreme Court’s refusal this week to review the 4th U.S. Circuit Court of Appeals’ decision that the 2005 energy law failed to authorize Federal Energy Regulatory Commission "backstop" authority for transmission siting if a state has denied a project.

"Now, clearly, the only solution to this is legislative," Hoecker said. "Although I would hope it wouldn't happen, current law -- as re-interpreted by the Fourth Circuit-- permits states to veto a project for insubstantial or ulterior reasons. The 2005 amendments to the Federal Power Act were intended to guard against that by providing a partial Federal backstop. It was not a particularly effective idea then but the courts now have rendered it a nullity. And that certainly is not the way to assure that this country can achieve the transmission upgrades it needs, both to assure reliability and to move power to where it is needed from the growing array of renewable generation sources that often are far from load centers.

“WIRES continues to support the right of each state to have the first say in siting issues – but we also believe there must be federal backstop authority for every proposed transmission project.”

WIRES (Working group for Investment in Reliable and Economic electric Systems) is a non-profit trade association of transmission providers, customers, and equipment and service companies formed to promote investment in electric transmission and progressive State and Federal policies that advance energy markets, economic efficiency, and consumer and environmental benefits through development of electric power infrastructure. For more information, visit www.wiresgroup.com or contact Jim Hoecker at 202-639-6500.