



# The District Office of Congressman Ken Calvert

44th Congressional District

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Please deliver to:

Name: Cara Connors  
Fax Number: 907-208-2106

Date: 6/14/07  
Office: FERC

Phone Number: \_\_\_\_\_

From:

- |                                                   |                                           |                                         |
|---------------------------------------------------|-------------------------------------------|-----------------------------------------|
| <input type="checkbox"/> Hon. Ken Calvert         | <input type="checkbox"/> Rebecca Hartmann | <input type="checkbox"/> Ana Rotar      |
| <input type="checkbox"/> Jolyn Muphy              | <input type="checkbox"/> Shawna Rimke     | <input type="checkbox"/> Marisa Vasquez |
| <input checked="" type="checkbox"/> Billy Essayli | <input type="checkbox"/> Intern _____     |                                         |

OFFICE OF  
EXTERNAL AFFAIRS  
2007 JUN 15 A 8:20  
FEDERAL ENERGY  
REGULATORY COMMISSION

\*Total Number of Pages (including cover): 4

- Urgent!!
- For your review / approval
- Per your request
- Other \_\_\_\_\_

Comments:

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2007-00133

COMMITTEE ON RESOURCES  
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SUBCOMMITTEE ON WATER AND POWER  
COMMITTEE ON ARMED SERVICES  
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SUBCOMMITTEE  
SPACE AND AERONAUTICS  
<http://www.house.gov/calvert>



Congress of the United States  
House of Representatives  
Washington, DC 20515-0544

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CONGRESSIONAL CASEWORK AUTHORIZATION FORM

PLEASE TYPE OR PRINT ONLY

Name:  Mr.  Mrs.  Ms. [REDACTED]

Address: [REDACTED] City: SAN CLEMENTE Zip: 92672

Telephone: (Home) [REDACTED] (Work) SAME (SEMI-RETIRED)

Social Security Number: [REDACTED] Date of Birth: [REDACTED]

Federal Agency Involved: FEDERAL ENERGY REGULATORY COMMISSION & U.S. FOREST SERVICE

I request the assistance of Congressman Ken Calvert in the following federal matter:  
(Please provide a brief explanation of your problem and attach photocopies of documents relevant to this case. Use additional paper as necessary.)

REQUEST INFO FROM FERC & USFS RE  
THE LDAPS PROJECT.

I authorize Congressman Ken Calvert to act on my behalf to transmit and/or receive information pertinent to my request for assistance.

Signed: [REDACTED] Date: MAY 14, 2007

COMMITTEE ON SCIENCE  
CHAIRMAN  
SUBCOMMITTEE ON SPACE AND AERONAUTICS

COMMITTEE ON ARMED SERVICES  
SUBCOMMITTEE:  
PROJECTION FORCES  
TACTICAL AIR AND LAND FORCES

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WATER AND POWER

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**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-0544  
June 14, 2007

**KEN CALVERT**  
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Ms. Carol Connors  
Federal Energy Regulatory Commission  
888 First St., NW  
Washington, D.C. 20426

Dear Ms. Connors,

My office has received an authorization for a Congressional Inquiry on behalf of my constituent, [REDACTED]. We are enclosing a copy for your review along with paperwork Mr. [REDACTED] feels will be pertinent to this case.

Attached please find a list of questions addressed to FERC. Mr. [REDACTED] has asked our office to facilitate a direct response to him.

Thank you for your interest in [REDACTED]. If we may be of further assistance in this matter, you may contact Billy Essayli of my Riverside District Office. I am looking forward to your reply.

Sincerely  
  
KEN CALVERT  
Member of Congress

KC: be

FERC is aware that:

- Transmission lines that carry non-project power are not primary to a hydro project and cannot be included in a hydro dam licence [The Federal Power Act (FPA) and 18 CFR 2.2]
- The TE/VS line will carry non-hydro dam power from the moment it becomes operational.
- Nevada Hydro intends to use the TE/VS as a transmission grid asset years before the dam is finished.
- The LEAPS project has a small generator tie line that qualifies as a primary transmission line since it will exclusively transmit power from the hydro dam to the interconnected transmission grid.

**Questions:** *How does FERC legally justify their position that an interconnected grid transmission line such as TE/VS qualifies as a "project primary line" that exclusively carries project power when it will never be used as such? Why has FERC abandoned the low-impact 115 or 230 kV connection to SDG&E territory that was originally proposed to carry LEAPS power? FERC publicly states that the TE/VS line will solve California's transmission grid problems, but the FPA prohibits FERC from issuing a hydro license that includes grid transmission infrastructure such as TE/VS. How does FERC reconcile these mutually exclusive constraints?*

FERC is aware that:

- The TE/VS will be used as a California transmission grid asset the moment it is completed.
- Under the State Water Code, Elsinore Valley Municipal Water District (EVMWD) may produce and sell electricity to the California grid, but is not permitted to transmit electricity it does not produce nor is it permitted to participate in the California transmission grid business. [SWC 71663.5]
- Federal Law requires FERC to confirm that all applicants comply with state laws regarding the right to participate in all the activities that the hydro dam license authorizes. [16USC802(a)(2)]
- Federal Law prohibits FERC from affecting or interfering with State Water Law. [16USC821]

**Question:** *Since California Law does not permit EVMWD to participate in the LEAPS project described in the Final Environmental Impact Statement, and Federal Law does not permit FERC to issue a hydro license to any applicant that is not authorized to participate in the hydro project, then what justification does FERC have to issue the LEAPS license to EVMWD as co-applicant?*

FERC is aware that:

- FERC plans to issue a hydro dam license for the LEAPS project which includes eminent domain authority.
- State Water Law prohibits EVMWD from using eminent domain to acquire property for an electrical generation project. The law's intent is to ensure that a municipal water agency does not profit from an electrical generation project if it deprives any Californian of their private property rights. [SWC 71663.5(d)]
- Federal Law prohibits FERC from affecting or interfering with State Water Law. [16USC821]
- Federal Law demands that FERC confirm that all applicants have the legal right to engage in any business that is necessary to effect the purpose of the hydro dam license. [last sentence of 16USC802(a)(2)]

**Questions:** *How does FERC justify their stated intent to confer eminent domain authority with the LEAPS license when doing so clearly interferes with the stated intent and purpose of California Water Law, and is therefore also a violation of Federal Law? More importantly, EVMWD is prohibited from using eminent domain to "effect the purposes of a [hydro dam] license", therefore FERC is prohibited by the FPA from including such authority in the LEAPS license as long as EVMWD is a co-applicant (irrespective of Nevada Hydro's participation). So how does FERC justify the inclusion of eminent domain authority in the LEAPS license when the FPA prohibits it?*

The United States Forest Service (USFS) is aware that:

- The USFS is contemplating the issuance of a Special Use Permit for the TE/VS transmission line to EVMWD as part of the LEAPS entitlement.
- EVMWD is not permitted to participate in the California transmission grid business. [SWC 71663.5]
- The Federal Land Policy Management Act requires the USFS to confirm that Special Use Permit applicants are qualified to participate in the activity for which the Permit is granted. [36CFR251.54(e)(5)(iii)]

**Questions:** *EVMWD cannot participate in a California transmission grid project, so how can the USFS legally issue the Special Use Permit to EVMWD for this purpose? Will the USFS rescind the Special Use Permit to comply with Federal Law the instant TE/VS becomes part of the transmission grid? If not, why not?*