



June 7, 2023

The Honorable Mike Garcia
Congressman, California's 27th District
144 Cannon House Office Bldg.
Washington, DC 20515
CA27MGIMA@mail.house.gov

Subject: Acton Town Council Request for Assistance.

Dear Congressman Garcia;

The Acton Town Council respectfully requests your assistance in addressing our concerns regarding numerous utility scale battery storage facilities that have been proposed for installation in the Community of Acton. While it may appear at first glance that there is no substantive "nexus" between such projects and matters which fall under federal jurisdiction, recent activities undertaken by the Department of Energy ("DOE") pursuant to the Energy Policy Act of 2005 and recent legislation enacted by the State of California have created such a nexus; accordingly, we are asking for your help.

Our nation's electrical system was profoundly changed by the Energy Policy Act of 2005 ("EPAct") and other initiatives which sparked a significant investment in interstate and intrastate transmission facilities to accommodate large energy transfers over substantial distances. What lies at the heart of all these changes is the philosophy that electricity is a tradable commodity which is subject to free market forces; however, the heavy emphasis on remote large scale generation facilities rather than local generation has made California's energy network very fragile and has left Southern California residents quite vulnerable to significant power shortages¹. It has also caused significant congestion on transmission facilities; these congestion concerns will be substantially exacerbated by new green energy initiatives recently launched by the Biden Administration. The Department of Energy ("DOE") recognizes these concerns, and to address them, it has just initiated a new "National Interest Electric Transmission Corridor" ("NIETC") program under Title XII of the EPAct²; the Acton Town Council intends to respond to DOE's "Request for Information" ("RFI") pertaining to the NIETC program by the June 29, 2023 deadline.

¹ It is estimated that a coordinated attack on four transmission substations by individuals armed with SMAWs would curtail power deliveries to millions in Southern California; recovery would take months.

² Responses to DOE's "Request for Information" on the NIETC program are due June 29, 2023
[\[https://www.energy.gov/sites/default/files/2023-05/NIETC-Designation-Process-NOI-RFI-Fact-Sheet_May-23-2023.pdf\]](https://www.energy.gov/sites/default/files/2023-05/NIETC-Designation-Process-NOI-RFI-Fact-Sheet_May-23-2023.pdf) .

However, transmission congestion concerns can be largely eliminated by simply implementing localized renewable generation rather than remote, utility scale generation; this approach is particularly appropriate in sun-drenched areas like the Los Angeles basin. Although nobody talks about this approach, it has many upsides because it fits easily into the free-market paradigm and it makes the energy supply much more resilient; it will also save ratepayers billions in congestion costs³. The downside is that it reduces revenues for investor owned utilities like Southern California Edison (“SCE”); that is why SCE is active in the expansion of remote utility scale renewable generation and battery storage programs and is not keen on programs which advance local generation resources⁴.

This is an issue for the Acton Town Council because we are now facing the possibility that 7 enormous utility scale battery storage facilities totaling 2,700 MW will be constructed in our community. These projects will not serve the community of Acton because they are all connected to the Vincent substation which serves the Los Angeles basin electrical “load” and only accommodates bulk power transfers between Northern and Southern California; as such, these battery storage projects will substantially contribute to transmission grid congestion (because congestion only exists when generation resources are separated from the “load” they serve). This is one reason why the Council opposes these projects; it is our position that battery storage projects should not be sited in locations that increase congestion and ratepayer costs; rather, they should be placed in areas that increase energy resiliency and reduce ratepayer costs.

Governor Newsom recently signed AB205 into law which allows utility scale battery storage projects to entirely sidestep all local review procedures and undergo approval by the California Energy Commission (“CEC”); key provisions of the regulations implementing AB205 require the project proponent to attend a “pre-filing consultation” meeting with CEC staff and they allow the CEC to invite federal agencies to attend the meeting as well. Given the Biden Administration’s recent emphasis on addressing transmission congestion problems, it seems that federal agencies like the DOE and FERC would have a vested interest in participating in such consultation meetings to ensure that new battery storage facilities are sited in a manner that will reduce congestion rather than contribute to it. Accordingly, the Acton Town Council respectfully requests your assistance in asking one or more federal agencies to consider attending such meetings and “weigh in” on siting issues to ensure projects do not exacerbate transmission congestion problems. We are confident that, if the FERC or the DOE notifies the CEC that they are interested in attending a “pre-application” consultation session, the CEC would extend the invitation that is authorized by AB205. If you have any questions or concerns, or if you would like to discuss any of the matters raised herein, please contact the Acton Town Council at atc@actontowncouncil.org.

Sincerely;

Jeremiah Owen, President
The Acton Town Council

³ In 2021, congestion costs in the U.S. reached \$13.3 billion. [<https://www.utilitydive.com/news/grid-congestion-cost-transmission-grid-strategies-report/647668/>].

⁴ This is clear from SCE’s arguments in CPUC Proceeding R.20-08-020 addressing net metering tariffs.