

United States Senate

WASHINGTON, DC 20510

October 18, 2012

The Honorable Steven Chu
United States Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

Dear Secretary Chu,

I write to seek clarification regarding procedures used by the U.S. Department of Energy (DOE) in selecting a third-party Environmental Impact Statement (EIS) contractor for the proposed Northern Pass transmission line that would extend from Canada into Northern New Hampshire. Documents obtained under the U.S. Freedom of Information Act (FOIA) appear to intimate that the agency abdicated its selection authority to the applicant, Northern Pass Transmission LLC (Northern Pass), and I believe that an immediate, detailed response is necessary to discern whether a conflict of interest exists.

I am sure you will agree that in order for the public to have confidence in DOE and the outcome of any Presidential Permit application there can be no conflict of interest or appearance of conflict in the application process. A loss of faith from stakeholders would be difficult, if not impossible, to restore. This is especially true for those private citizens whose property could be affected by the proposed transmission line.

As you know, the Conservation Law Foundation (CLF) recently submitted comments and the information obtained under FOIA to the Office of Electricity Delivery and Energy Reliability alleging that DOE mishandled the process for selecting the current EIS contractor, a consortium comprised of the SE Group, Ecology & Environment and Lucinda Low Swartz (SE Group). CLF argues that Northern Pass played too large a role in selecting SE Group. As a result, CLF argues that the contractor has a clear conflict of interest that will bias the EIS in favor of the applicant.

I am troubled by the contradiction between the correspondences cited by CLF versus your Department's letter to me about the application process. That letter reported "extra steps" taken by DOE to ensure the contractor was free from any plausible appearances of conflicts of interest. However, the documents obtained by CLF characterize DOE's vetting as cursory.

Given the importance of maintaining public confidence in the objectivity of the application process, I believe a detailed response to these recent allegations is necessary.

I appreciate your attention to this matter, and I look forward to your timely response. Should you have any questions, your staff may be in touch with Robert Diznoff of my office at (202) 224-2841.

Sincerely,



Senator Jeanne Shaheen
United States Senator